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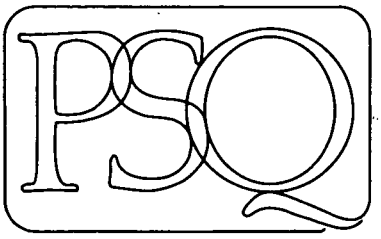

# POLITICAL SCIENCE QUARTERLY

THE JOURNAL OF PUBLIC AND INTERNATIONAL AFFAIRS


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## *From the Editor:*

### *In this issue . . .*

ROBERT A. DAHL examines the political institutions necessary for a democratic country. He argues that a large-scale democracy requires the following political institutions: elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship.

GARY C. JACOBSON analyzes the results of the 2004 United States House, Senate, and presidential elections, arguing that the Republicans' gains did not reflect any shift in public sentiments in that party's favor, but rather were the result of the Republicans' structural advantages, reinforced by the intense partisan polarization provoked by the Bush administration.

JAMES E. CAMPBELL examines how pre-campaign fundamentals and the campaign affected the 2004 presidential election. Incumbency, high turnout, and concerns that Kerry would not handle the war on terrorism as well as Bush tipped the electorate toward President Bush. An electorate evenly divided in its partisanship, the economy, conflicting views about Iraq, and the debates made the election one of the closest in modern party history.

ALBERT B. KNAPP examines the health, political, and security challenges arising from the twin pandemics of hepatitis B and hepatitis C that together affect over two billion people and confront both the developed and third world. He formulates a series of policy guidelines including virus containment, prevention, and treatment and also demonstrates how they can be successfully applied.

AHMET T. KURU examines why certain Islamic movements support globalization whereas others oppose it. He focuses on three cases from Turkey—the Gülen, the Haydar Baş, and the Milli Görüş movements. He argues that Islamic movements' attitudes toward globalization are contingent on two variables—international opportunity structures and the normative frameworks of movements.

PETER VONDOEPP examines why elected officials in the new African democracies of Malawi and Zambia have had persistent trouble controlling judicial institutions. He argues that political conditions in these countries limit the types of techniques that such officials can employ to rein in judiciaries. Political conditions also provide incentives for judges to adopt positions of neutrality when rendering decisions in political cases.

DEMETRIOS JAMES CARALEY

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# What Political Institutions Does Large-Scale Democracy Require?

ROBERT A. DAHL

What does it mean to say that a country is governed democratically? Here, we will focus on the political institutions of *democracy on a large scale*, that is, the political institutions necessary for a *democratic country*. We are not concerned here, then, with what democracy in a very small group might require, as in a committee. We also need to keep in mind that every actual democracy has always fallen short of democratic criteria. Finally, we should be aware that in ordinary language, we use the word *democracy* to refer both to a goal or ideal and to an actuality that is only a partial attainment of the goal. For the time being, therefore, I'll count on the reader to make the necessary distinctions when I use the words *democracy*, *democratically*, *democratic government*, *democratic country*, and so on.[1]

## How Can We Know?

How can we reasonably determine what political institutions are necessary for large-scale democracy? We might examine the history of countries that have changed their political institutions in response, at least in part, to demands for broader popular inclusion and effective participation in government and politi-

[1] Political *arrangements* sound as if they might be rather provisional, which they could well be in a country that has just moved away from nondemocratic rule. We tend to think of *practices* as more habitual and therefore more durable. We usually think of *institutions* as having settled in for the long haul, passed on from one generation to the next. As a country moves from a nondemocratic to a democratic government, the early democratic *arrangements* gradually become *practices*, which in due time turn into settled *institutions*. Helpful though these distinction may be, however, for our purposes it will be more convenient if we put them aside and settle for *institutions*.

ROBERT A. DAHL is Sterling Professor Emeritus of Political Science, Yale University. He has published many books on democratic theory and practice, including *A Preface to Democratic Theory* (1956) and *Democracy and Its Critics* (1989). This article was adapted from his recent book, *On Democracy*, Yale University Press.



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FIGURE 1
*What Political Institutions Does Large-Scale Democracy Require?*

Large-scale democracy requires:
1. Elected officials
2. Free, fair, and frequent elections
3. Freedom of expression
4. Alternative sources of information
5. Associational autonomy
6. Inclusive citizenship

cal life. Although in earlier times those who sought to gain inclusion and participation were not necessarily inspired by democratic ideas, from about the eighteenth century onward they tended to justify their demands by appealing to democratic and republican ideas. What political institutions did they seek, and what were actually adopted in these countries?

Alternatively, we could examine countries where the government is generally referred to as democratic by most of the people in that country, by many persons in other countries, and by scholars, journalists, and the like. In other words, in ordinary speech and scholarly discussion the country is called a democracy.

Third, we could reflect on a specific country or group of countries, or perhaps even a hypothetical country, in order to imagine, as realistically as possible, what political institutions would be required in order to achieve democratic goals to a substantial degree. We would undertake a mental experiment, so to speak, in which we would reflect carefully on human experiences, tendencies, possibilities, and limitations and design a set of political institutions that would be necessary for large-scale democracy to exist and yet feasible and attainable within the limits of human capacities.

Fortunately, all three methods converge on the same set of democratic political institutions. These, then, are minimal requirements for a democratic country (Figure 1).

## The Political Institutions of Modern Representative Democracy

Briefly, the political institutions of modern representative democratic government are

- *Elected officials.* Control over government decisions about policy is constitutionally vested in officials elected by citizens. Thus modern, large-scale democratic governments are *representative.*
- *Free, fair and frequent elections.* Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.

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- *Freedom of expression.* Citizens have a right to express themselves without danger of severe punishment on political matters broadly defined, including criticism of officials, the government, the regime, the socioeconomic order, and the prevailing ideology.
- *Access to alternative sources of information.* Citizens have a right to seek out alternative and independent sources of information from other citizens, experts, newspapers, magazines, books, telecommunications, and the like. Moreover, alternative sources of information actually exist that are not under the control of the government or any other single political group attempting to influence public political beliefs and attitudes, and these alternative sources are effectively protected by law.
- *Associational autonomy.* To achieve their various rights, including those required for the effective operation of democratic political institutions, citizens also have a right to form relatively independent associations or organizations, including independent political parties and interest groups.
- *Inclusive citizenship.* No adult permanently residing in the country and subject to its laws can be denied the rights that are available to others and are necessary to the five political institutions just listed. These include the right to vote in the election of officials in free and fair elections; to run for elective office; to free expression; to form and participate in independent political organizations; to have access to independent sources of information; and rights to other liberties and opportunities that may be necessary to the effective operation of the political institutions of large-scale democracy.

## The Political Institutions in Perspective

Ordinarily these institutions do not arrive in a country all at once; the last two are distinctly latecomers. Until the twentieth century, universal suffrage was denied in both the theory and practice of democratic and republican government. More than any other single feature, universal suffrage distinguishes modern representative democracy from earlier forms of democracy.

The time of arrival and the sequence in which the institutions have been introduced have varied tremendously. In countries where the full set of democratic institutions arrived earliest and have endured to the present day, the "older" democracies, elements of a common pattern emerge. Elections to a legislature arrived early on—in Britain as early as the thirteenth century, in the United States during its colonial period in the seventeenth and eighteenth centuries. The practice of electing higher lawmaking officials was followed by a gradual expansion of the rights of citizens to express themselves on political matters and to seek out and exchange information. The right to form associations with explicit political goals tended to follow still later. Political "factions" and partisan organization were generally viewed as dangerous, divisive, subversive of political order and stability, and injurious to the public good. Yet be-

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cause political associations could not be suppressed without a degree of coercion that an increasingly large and influential number of citizens regarded as intolerable, they were often able to exist as more or less clandestine associations until they emerged from the shadows into the full light of day. In the legislative bodies, what once were "factions" became political parties. The "ins" who served in the government of the day were opposed by the "outs," or what in Britain came to be officially styled His (or Her) Majesty's Loyal Opposition. In eighteenth-century Britain, the faction supporting the monarch and the opposing faction supported by much of the gentry in the "country" were gradually transformed into Tories and Whigs. During that same century in Sweden, partisan adversaries in Parliament somewhat facetiously called themselves the Hats and the Caps.[2]

During the final years of the eighteenth century in the newly formed republic of the United States, Thomas Jefferson, the vice president, and James Madison, leader of the House of Representatives, organized their followers in Congress to oppose the policies of the Federalist president, John Adams, and his secretary of the treasury, Alexander Hamilton. To succeed in their opposition, they soon realized that they would have to do more than oppose the Federalists in the Congress and the cabinet: they would need to remove their opponents from office. To do that, they had to win national elections, and to win national elections they had to organize their followers throughout the country. In less than a decade, Jefferson, Madison, and others sympathetic with their views created a political party that was organized all the way down to the smallest voting precincts, districts, and municipalities, an organization that would reinforce the loyalty of their followers between and during election campaigns and make sure they came to the polls. Their Republican Party (soon renamed Democratic Republican and, a generation later, Democratic) became the first popularly based *electoral* party in the world. As a result, one of the most fundamental and distinctive political institutions of modern democracy, the political party, had burst beyond its confines in parliaments and legislatures in order to organize the citizens themselves and mobilize party supporters in national elections.

By the time the young French aristocrat Alexis de Tocqueville visited the United States in the 1830s, the first five democratic political institutions described above had already arrived in America. The institutions seemed to him so deeply planted and pervasive that he had no hesitation in referring to the United States as a democracy. In that country, he said, the people were sovereign, "society governs itself for itself," and the power of the majority was unlimited.[3] He was astounded by the multiplicity of associations into which Americans organized themselves, for every purpose, it seemed. And towering among these associations were the two major political parties. In the United States, it appeared to Tocqueville, democracy was about as complete as one could imagine it ever becoming.

[2] "The Hats assumed their name for being like the dashing fellows in the tricorne of the day. . . . The Caps were nicknamed because of the charge that they were like timid old ladies in nightcaps." Franklin D. Scott, *Sweden: The Nation's History* (Minneapolis: University of Minnesota Press, 1977), 243.

[3] Alexis de Tocqueville, *Democracy in America*, vol. 1 (New York: Schocken Books, 1961), 51.

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During the century that followed, all five of the basic democratic institutions Tocqueville observed during his visit to America were consolidated in more than a dozen other countries. Many observers in Europe and the United States concluded that any country that aspired to be civilized and progressive would necessarily have to adopt a democratic form of government.

Yet everywhere, the sixth fundamental institution—inclusive citizenship—was missing. Although Tocqueville affirmed that "the state of Maryland, which had been founded by men of rank, was the first to proclaim universal suffrage," like almost all other men (and many women) of his time he tacitly assumed that "universal" did not include women.[4] Nor, indeed, some men. Maryland's "universal suffrage," it so happened, also excluded most African Americans. Elsewhere, in countries that were otherwise more or less democratic, as in America, a full half of all adults were completely excluded from national political life simply because they were women; in addition, large numbers of men were denied suffrage because they could not meet literacy or property requirements, an exclusion supported by many people who considered themselves advocates of democratic or republican government. Although New Zealand extended suffrage to women in national elections in 1893 and Australia in 1902, in countries otherwise democratic, women did not gain suffrage in national elections until about 1920; in Belgium, France, and Switzerland, countries that most people would have called highly democratic, women could not vote until after World War II.

Because it is difficult for many today to grasp what "democracy" meant to our predecessors, let me reemphasize the difference: in all democracies and republics throughout twenty-five centuries, the rights to engage fully in political life were restricted to a minority of adults. "Democratic" government was government by males only—and not all of them. It was not until the twentieth century that in both theory and practice democracy came to require that the rights to engage fully in political life must be extended, with very few if any exceptions, to the entire population of adults permanently residing in a country.

Taken in their entirety, then, these six political institutions constitute not only a new type of political system but a new kind of popular government, a type of "democracy" that had never existed throughout the twenty-five centuries of experience since the inauguration of "democracy" in Athens and a "republic" in Rome. Because the institutions of modern representative democratic government, taken in their entirety, are historically unique, it is convenient to give them their own name. This modern type of large-scale democratic government is sometimes called *polyarchal* democracy.

Although other factors were often at work, the six political institutions of polyarchal democracy came about, in part at least, in response to demands for inclusion and participation in political life. In countries that are widely referred to as democracies today, all six exist. Yet you might well ask: Are some of these institutions no more than past products of historical struggles? Are they no

[4] Tocqueville, *Democracy in America*, 50.

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longer necessary for democratic government? And if they are still necessary today, why?[5]

## The Factor of Size

Before answering these questions, I need to call attention to an important qualification. We are considering institutions necessary for the government of a democratic *country.* Why "country"? *Because all the institutions necessary for a democratic country would not always be required for a unit much smaller than a country.*

Consider a democratically governed committee, or a club, or a very small town. Although equality in voting would seem to be necessary, small units like these might manage without many elected officials: perhaps a moderator to preside over meetings, a secretary-treasurer to keep minutes and accounts. The participants themselves could decide just about everything directly during their meetings, leaving details to the secretary-treasurer. Governments of small organizations would not have to be full-fledged *representative* governments in which citizens elect representatives charged with enacting laws and policies. Yet these governments could be democratic, perhaps highly democratic. So, too, even though they lacked political parties or other independent political associations, they might be highly democratic. In fact, we might concur with the classical democratic and republican view that in small associations, organized "factions" are not only unnecessary but downright harmful. Instead of conflicts exacerbated by factionalism, caucuses, political parties, and so on, we might prefer unity, consensus, agreement achieved by discussion and mutual respect.

The political institutions strictly required for democratic government depend, then, on the size of the unit. The six institutions listed above developed because they are necessary for governing *countries*, not smaller units. Polyarchal democracy is democratic government on the large scale of the nation-state or country.

To return to our questions: Are the political institutions of polyarchal democracy actually necessary for democracy on the large scale of a country? If so, why? To answer these twin questions, let us recall what a democratic process requires (Figure 2).

[5] Polyarchy is derived from Greek words meaning "many" and "rule," thus "rule by the many," as distinguished from rule by the one, or monarchy, and rule by the few, oligarchy or aristocracy. Although the term had been rarely used, a colleague and I introduced it in 1953 as a handy way of referring to a modern representative democracy with universal suffrage. Hereafter I shall use it in that sense. More precisely, a polyarchal democracy is a political system with the six democratic institutions listed above. Polyarchal democracy, then, is different from representative democracy with restricted suffrage, as in the nineteenth century. It is also different from older democracies and republics that not only had a restricted suffrage but lacked many of the other crucial characteristics of polyarchal democracy, such as political parties, rights to form political organizations to influence or oppose the existing government, organized interest groups, and so on. It is different, too, from the democratic practices in units so small that members can assemble directly and make (or recommend) policies or laws.

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FIGURE 2
*Why the Institutions Are Necessary*

| In a unit as large as a country, these political institutions of polyarchal democracy ... | are necessary to satisfy the following democratic criteria: |
|---|---|
| 1. Elected representatives... | Effective participation<br>Control of the agenda |
| 2. Free, fair and frequent elections... | Voting equality<br>Control of the agenda |
| 3. Freedom of expression... | Effective participation<br>Enlightened understanding<br>Control of the agenda |
| 4. Alternative information... | Effective participation<br>Enlightened understanding<br>Control of the agenda |
| 5. Associational autonomy... | Effective participation<br>Enlightened understanding<br>Control of the agenda |
| 6. Inclusive citizenship... | Full inclusion |

## WHY (AND WHEN) DOES DEMOCRACY REQUIRE ELECTED REPRESENTATIVES?

As the focus of democratic government shifted to large-scale units like nations or countries, the question arose: How can citizens *participate effectively* when the number of citizens becomes too numerous or too widely dispersed geographically (or both, as in the case of a country) for them to participate conveniently in making laws by assembling in one place? And how can they make sure that matters with which they are most concerned are adequately considered by officials—that is, how can citizens *control the agenda of* government decisions?

How best to meet these democratic requirements in a political unit as large as a country is, of course, enormously difficult, indeed to some extent unachievable. Yet just as with the other highly demanding democratic criteria, this, too, can serve as a standard for evaluating alternative possibilities and solutions. Clearly the requirements could not be met if the top officials of the government could set the agenda and adopt policies independently of the wishes of citizens. The only feasible solution, though it is highly imperfect, is for citizens to elect their top officials and hold them more or less accountable through elections by dismissing them, so to speak, in subsequent elections.

To us that solution seems obvious. But what may appear self-evident to us was not at all obvious to our predecessors.

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Until fairly recently the possibility that citizens could, by means of elections, choose and reject representatives with the authority to make laws remained largely foreign to both the theory and practice of democracy. The election of representatives mainly developed during the Middle Ages, when monarchs realized that in order to impose taxes, raise armies, and make laws, they needed to win the consent of the nobility, the higher clergy, and a few not-so-common commoners in the larger towns and cities.

Until the eighteenth century, then, the standard view was that democratic or republican government meant rule by the people, and if the people were to rule, they had to assemble in one place and vote on decrees, laws, or policies. Democracy would have to be town meeting democracy; representative democracy was a contradiction in terms. By implication, whether explicit or implicit, a republic or a democracy could actually exist only in a small unit, like a town or city. Writers who held this view, such as Montesquieu and Jean-Jacques Rousseau, were perfectly aware of the disadvantages of a small state, particularly when it confronted the military superiority of a much larger state, and were therefore extremely pessimistic about the future prospects for genuine democracy.

Yet the standard view was swiftly overpowered and swept aside by the onrushing force of the national state. Rousseau himself clearly understood that for a government of a country as large as Poland (for which he proposed a constitution), representation would be necessary. And shortly thereafter, the standard view was driven off the stage of history by the arrival of democracy in America.

As late as 1787, when the Constitutional Convention met in Philadelphia to design a constitution appropriate for a large country with an ever-increasing population, the delegates were acutely aware of the historical tradition. Could a republic possibly exist on the huge scale the United States had already attained, not to mention the even grander scale the delegates foresaw?[6] Yet no one questioned that if a republic were to exist in America, it would have to take the form of a *representative* republic. Because of the lengthy experience with representation in colonial and state legislatures and in the Continental Congress, the feasibility of representative government was practically beyond debate.

By the middle of the nineteenth century, the traditional view was ignored, forgotten, or, if remembered at all, treated as irrelevant. "It is evident," John Stuart Mill wrote in 1861

> that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to share in the sov-

[6] A few delegates daringly forecast that the United States might ultimately have as many as one hundred million inhabitants. This number was reached in 1915.

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> ereign power of the state. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.[7]

## Why Does Democracy Require Free, Fair, and Frequent Elections?

As we have seen, if we accept the desirability of political equality, then every citizen must have an *equal and effective opportunity to vote, and all votes must be counted as equal.* If equality in voting is to be implemented, then clearly, elections must be free and fair. To be free means that citizens can go to the polls without fear of reprisal; and if they are to be fair, then all votes must be counted as equal. Yet free and fair elections are not enough. Imagine electing representatives for a term of, say, twenty years! If citizens are to retain *final control over the agenda*, then elections must also be frequent.

How best to implement free and fair elections is not obvious. In the late nineteenth century, the secret ballot began to replace a public show of hands. Although open voting still has a few defenders, secrecy has become the general standard; a country in which it is widely violated would be judged as lacking free and fair elections. But debate continues as to the kind of voting system that best meets standards of fairness. Is a system of proportional representation (PR), like that employed in most democratic countries, fairer than the first-past-the-post system used in Great Britain and the United States? Reasonable arguments can be made for both. In discussions about different voting systems, however, the need for a fair system is assumed; how best to achieve fairness and other reasonable objectives is simply a technical question.

How frequent should elections be? Judging from twentieth-century practices in democratic countries, a rough answer might be that annual elections for legislative representatives would be a bit too frequent and anything more than five years would be too long. Obviously, however, democrats can reasonably disagree about the specific interval and how it might vary with different offices and different traditional practices. The point is that without frequent elections, citizens would lose a substantial degree of control over their elected officials.

## Why Does Democracy Require Free Expression?

To begin with, freedom of expression is required in order for citizens to *participate* effectively in political life. How can citizens make their views known and persuade their fellow citizens and representatives to adopt them unless they can express themselves freely about all matters bearing on the conduct of the government? And if they are to take the views of others into account, they must

[7] John Stuart Mill, *Considerations on Representative Government* [1861] (New York: Liberal Arts Press, 1958), 55.

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be able to hear what others have to say. Free expression means not just that you have a right to be heard. It also means that you have a right to hear what others have to say.

To acquire an *enlightened understanding* of possible government actions and policies also requires freedom of expression. To acquire civic competence, citizens need opportunities to express their own views; learn from one another; engage in discussion and deliberation; read, hear, and question experts, political candidates, and persons whose judgments they trust; and learn in other ways that depend on freedom of expression.

Finally, without freedom of expression, citizens would soon lose their capacity to influence *the agenda* of government decisions. Silent citizens may be perfect subjects for an authoritarian ruler; they would be a disaster for a democracy.

## Why Does Democracy Require the Availability of Alternative and Independent Sources of Information?

Like freedom of expression, the availability of alternative and relatively independent sources of information is required by several of the basic democratic criteria. Consider the need for *enlightened understanding.* How can citizens acquire the information they need in order to understand the issue if the government controls all the important sources of information? Or, for that matter, if any single group enjoys a monopoly in providing information? Citizens must have access, then, to alternative sources of information that are not under the control of the government or dominated by any other group or point of view.

Or think about *effective participation* and influencing the *public agenda.* How could citizens participate effectively in political life if all the information they could acquire were provided by a single source, say the government, or, for that matter, a single party, faction, or interest?

## Why Does Democracy Require Independent Associations?

It took a radical turnabout in ways of thinking to accept the need for political associations—interest groups, lobbying organizations, political parties. Yet if a large republic requires that representatives be elected, then how are elections to be contested? Forming an organization, such as a political party, gives a group an obvious electoral advantage. And if one group seeks to gain that advantage, will not others who disagree with their policies? And why should political activity cease between elections? Legislators can be influenced; causes can be advanced, policies promoted, appointments sought. So, unlike a small city or town, the large scale of democracy in a country makes political associations both necessary and desirable. In any case, how can they be prevented without impairing the fundamental right of citizens to participate effectively in governing? In a large republic, then, they are not only necessary and desirable but inevitable.

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Independent associations are also a source of *civic education and enlightenment.* They provide citizens not only with information but also with opportunities for discussion, deliberation, and the acquisition of political skills.

## Why Does Democracy Require Inclusive Citizenship?

We can view the political institutions summarized in Figure 1 in several ways. For a country that lacks one or more of the institutions, and is to that extent not yet sufficiently democratized, knowledge of the basic political institutions can help us to design a strategy for making a full *transition* to modern representative democracy. For a country that has only recently made the transition, that knowledge can help inform us about the crucial institutions that need to be *strengthened, deepened, and consolidated.* Because they are all necessary for modern representative democracy (polyarchal democracy), we can also view them as establishing a *minimum level for democratization.*

Those of us who live in the older democracies, where the transition to democracy occurred some generations ago and the political institutions listed in Figure 1 are by now solidly established, face a different and equally difficult challenge. For even if the institutions are necessary to democratization, they are definitely not *sufficient* for achieving fully the democratic criteria listed in Figure 1. Are we not then at liberty, and indeed obligated, to appraise our democratic institutions against these criteria? It seems obvious to me, as to many others, that judged against democratic criteria, our existing political institutions display many shortcomings.

Consequently, just as we need strategies for bringing about a transition to democracy in nondemocratic countries and for consolidating democratic institutions in newly democratized countries, so in the older democratic countries, we need to consider whether and how to move beyond our existing level of democracy.

Let me put it this way. In many countries, the task is to achieve democratization up to the level of polyarchal democracy. But the challenge to citizens in the older democracies is to discover how they might achieve a level of democratization *beyond* polyarchal democracy.

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# Polarized Politics and the 2004 Congressional and Presidential Elections

GARY C. JACOBSON

The 2004 elections left the Republican Party in its strongest position since Herbert Hoover was elected president seventy-six years ago. George W. Bush won reelection by a modest but unambiguous margin—Bush won the popular vote, but by the narrowest percentage of any reelected president in history—(50.7 percent to John Kerry's 48.3 percent of the popular vote), while the Republicans solidified their congressional majorities by adding three House seats and four Senate seats. The election was not, however, a ringing electoral endorsement of the administration's or the Republican Congress's performance, nor did it represent any global shift in public sentiment to the Republican side. Rather, it was the product of two salient features of present-day American politics: the substantial structural advantage Republicans now enjoy in the struggle for control of Congress, and the extraordinarily polarized public reactions to the Bush administration, sentiments that found their fullest expression in the presidential contest but also spilled over into congressional races. Although strengthening the Republican grip on power, the outcome did not break the national stalemate reflected in election results and public opinion polls over the past decade, and it is likely to intensify rather than diminish the level of partisan conflict among leaders and ordinary Americans alike during the second Bush administration.

Table 1 summarizes the congressional results. The election brought little change to the House. Only seven of the 402 incumbents who sought reelection were defeated, and four of the seven were victims of a Republican gerrymander in Texas (discussed below), not swings in voter sentiment. The party already in control held onto twenty-seven of the thirty-four open seats (those vacated by

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TABLE 1

*Membership Changes in the House and Senate in the 2004 Elections*

| | *Republicans* | *Democrats* | *Independents* |
|---|---|---|---|
| House of Representatives | | | |
| At the time of the 2004 election | 229 | 205 | 1 |
| Elected in 2004 | 232 | 202 | 1 |
| Incumbents reelected | 208 | 186 | 1 |
| Incumbents defeated by challengers | 2 | 3 | |
| Incumbents defeated by incumbents | | 2 | |
| Open seats retained | 17 | 12 | |
| Open seats lost | 2 | 3 | |
| New open seats | 1 | | |
| Senate | | | |
| At the time of the 2004 election | 51 | 48 | 1 |
| After the 2004 election | 55 | 44 | 1 |
| Incumbents reelected | 11 | 13 | |
| Incumbents defeated | | 1 | |
| Open seats retained | 2 | | |
| Open seats lost | 2 | 5 | |

*Source*: Compiled by author.

the incumbent), and two of the three that were lost by Democrats were also a legacy of the Texas redistricting, as was the Republican pickup of the state's new open seat. Without the Texas remap, only eight House seats would have changed party hands, an all-time low. The Senate elections saw considerably more action. Only one of the twenty-six incumbents seeking reelection lost, but he was the Democrats' minority leader, Tom Daschle of South Dakota. Of the eight open seats, seven changed party control, and it was here that the Republicans enjoyed their greatest success.

## THE HOUSE

The fierce battle for the White House remained in doubt until election day, but there was no similar contest for control of the House. Despite data showing Democrats with a lead among voters in both party identification and the generic House vote in polls taken during the months leading up to the election,[1] continued Republican control of the House was never in doubt. The reason is simple: Republican voters are distributed more efficiently across House districts than are Democratic voters, giving the Republicans a major structural advantage in

[1] Generic polls ask whether, if the election were held today, the respondent would vote for the Republican or Democratic candidate, without mentioning the candidates' names. In the sixteen CBS News/*New York Times* polls taken between January 2004 and the election, the Democrats' share of party identifiers averaged 53 percent; in thirty generic House polls taken between 1 August and the election, an average of 51.4 percent said they would vote for the Democrat. See http://www.pollingreport.com, accessed 6 November 2004.

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the battle for House seats. Without a strong national tide in their favor—and no national partisan tide ran in 2004—Democrats currently have no hope of winning control of the House.

The Republicans' structural advantage is evident in the distribution of the major-party vote for president in 2000. Short-term political forces were evenly balanced that year, and party line voting was the highest it had been in decades, so both the national and district-level presidential vote reflected the electorate's underlying partisan balance with unusual accuracy.[2] The Democrat, Al Gore, won the national popular vote by about 540,000 of the 105 million votes cast. Yet the distribution of these votes across current House districts yields 240 in which Bush won more votes than Gore but only 195 in which Gore outpolled Bush.

Part of the reason for this Republican advantage is demographic: Democrats win a disproportionate share of minority and other urban voters, who tend to be concentrated in districts with lopsided Democratic majorities.[3] But it is also the effect of partisan gerrymanders brought off by the Republicans in states where they controlled the redistricting process after the 2000 census (Figure 1).[4] Although Gore had received nearly 47 percent of the vote in states where Republicans were in charge of redrawing the district lines, Republican gerrymanders reduced the proportion of Gore-majority seats by twelve, from 39 percent of the total in 2000 to 30 percent in 2004. Democrats made small gains by this measure where they controlled the process, but these were offset by pro-Republican changes in states where neither party had full control. The Republican gerrymanders achieved their purpose (Figure 2). Republicans added fifteen seats between 2000 and 2004 in states they redistricted, while losing only six elsewhere.[5]

Indeed, had it not been for the extraordinary second redistricting of Texas in 2003, Republicans would have lost House seats in 2004. At the behest of House majority leader Tom DeLay, the Republican majority that won control of Texas's government in the 2002 election drew a new House district map designed to eliminate as many as seven incumbent Democrats.[6] One (Ralph T.

[2] Gary C. Jacobson, "A House and Senate Divided: The Clinton Legacy and the Congressional Elections of 2000," *Political Science Quarterly* 116 (Spring, 2001): 5–27.

[3] For example, according to the CBS News/*New York Times* poll of 20–25 August 2004, Democratic identifiers outnumbered Republicans nearly five to one in New York City. See "New York City and the Republican Convention" at http://www.cbsnews.com/htdocs/CBSNews_polls/nyc.pdf, 29 August 2004, accessed 6 November 2004.

[4] The most important of these states were Florida, Michigan, Ohio, Pennsylvania, and, after 2002, Texas.

[5] In 2004, in Republican-controlled states, Republicans won 90 percent of the Bush-majority districts, whereas Democrats won 85 percent of the Gore-majority districts; the figures for the other states are 84 percent and 88 percent, respectively.

[6] Not without resistance; Democrats in the state legislature twice tried to thwart the remap by fleeing the state en masse (once to Oklahoma, once to New Mexico) to prevent action by denying legislative quorums while avoiding arrest under a Texas statute aimed at preventing just this tactic. DeLay sought help from federal agencies to track the missing Democrats, a move that earned him a formal admonishment from the House Ethics Committee. It took five months and two special legislative sessions before the Democrats capitulated.

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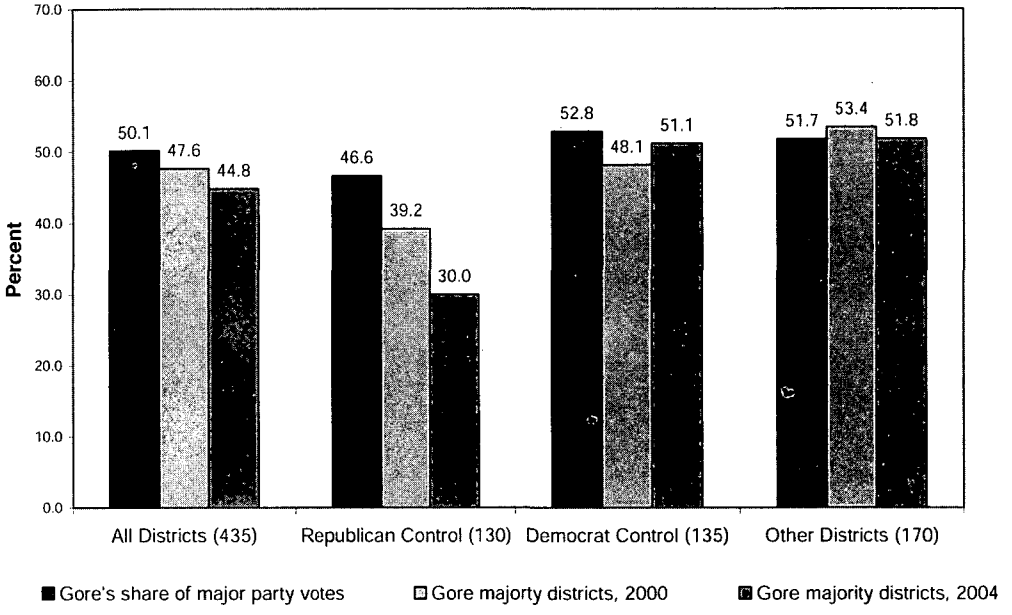
FIGURE 1
*The Effects of Redistricting Control on District Partisanship, 2000–2004 (Measured by the Presidential Vote)*




*Source*: Compiled by author.

Hall) thereupon defected to the Republican Party, another retired, and four were defeated in the general election.[7] Only one targeted Democrat (Chet Edwards) managed to survive. The remap raised the Republicans' share of the Texas delegation from fifteen to twenty-one seats, the gain more than offsetting the party's net loss of three seats elsewhere.

Aside from partisan gerrymandering, redistricting after the 2000 census reduced the overall number of competitive House seats by strengthening about three-quarters of most of the most marginal incumbents.[8] Partly as a result, only four of the 382 incumbents seeking reelection in 2002 were defeated by challengers. (Four more lost to other incumbents in face-offs forced by redistricting.) The 2002 election also extended the long-term decline in the number of seats with a mismatch between the party of the incumbent representative and the partisan leanings of the district as measured by its presidential vote.[9] Thus, approaching the elections of 2004, with no clear partisan tide in sight, neither party

[7] In addition, two incumbent Texas Democrats lost primary contests to other Democrats who went on to win the general election.

[8] Gary C. Jacobson, "Terror, Terrain, and Turnout: Explaining the 2002 Midterm Election," *Political Science Quarterly* 118 (Spring 2003): 10–11

[9] Ibid., p. 12.

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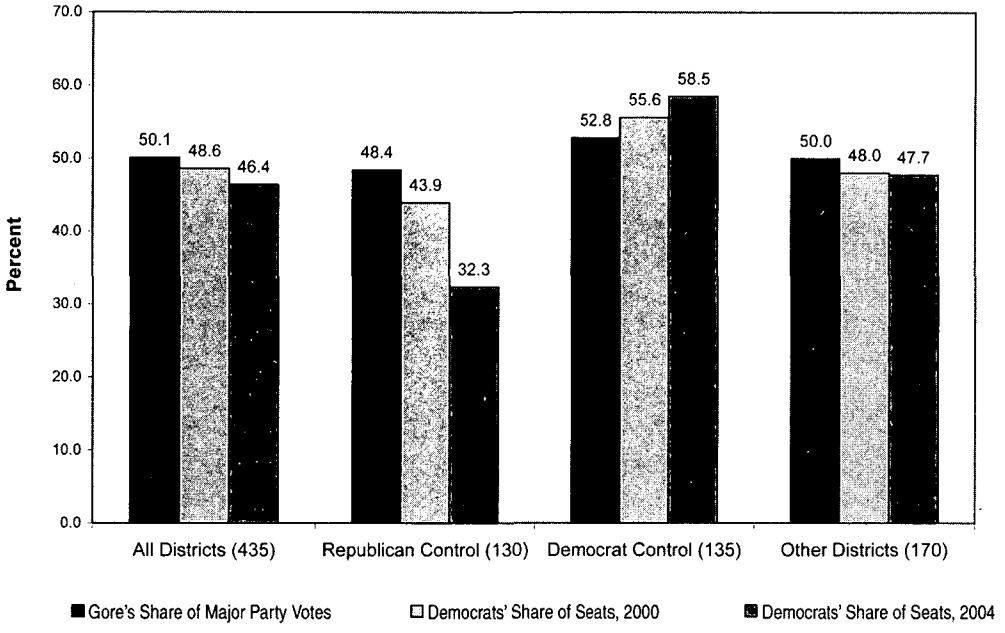
FIGURE 2
*Control of Redistricting and Change in the Distribution of House Seats, 2000–2004*




*Source*: Compiled by author.

saw much opportunity to take many seats from the other, and the consequence was the lowest level of competition for House seats ever observed. *Congressional Quarterly* classified only thirty-seven contests as "no clear favorite" or merely "leaning" to one party, the smallest number of competitive races in the three decades the publication has been handicapping House contests.[10]

*Congressional Quarterly*'s analysts base their risk ratings on a district-by-district analysis of the candidates, the campaigns, and campaign finances. They found that few districts were in play because the ingredients of a competitive race were missing in so many places, reflecting not only the scarcity of seats where local partisanship or missteps by the incumbent gave the out-party hope, but also the absence of a national surge toward either party. Conditions traditionally thought to influence national electoral tides, namely, the state of the econ-

[10] *Congressional Quarterly* classifies seats as safe Republican, Republican favored, leaning Republican, no clear favorite, leaning Democratic, Democrat favored, or safe Democratic. These classifications are usually quite accurate; in 2004, all of the seats classified as safe or favored went to the party so designated; only three of the thirty classified as leaning to a party were won by the other party. The 1980–2002 average for the middle three categories was sixty-nine. For 2004, the data are from http://www.nytimes.com/packages/html/politics/2004_ELECTIONGUIDE_GRAPHIC/index_HOUSECQ.html; for earlier years, they are from the October election previews in the *CQ Weekly Report*.

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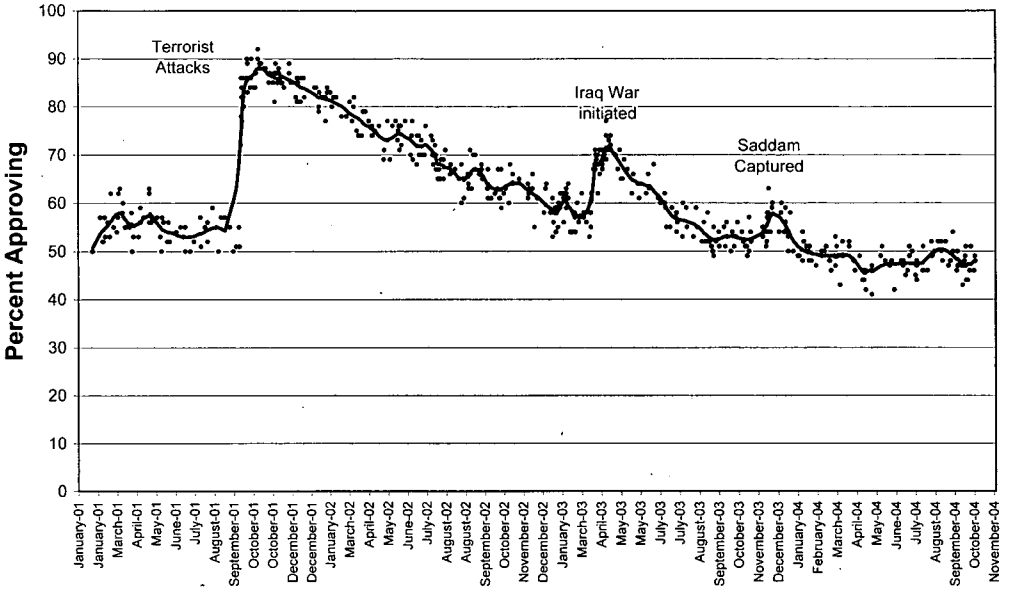
FIGURE 3
*Approval of George W. Bush's Job Performance, 2001–2004*




*Note*: The solid line is estimated by Lowess smoothing.
*Source*: National polls taken by ten media polling organizations (see footnote 11 for a list).

omy and the public's evaluation of the president's performance, were effectively neutral once the new post-September 11 consideration, terrorism, was added to the mix. The economy's performance during the entire first Bush administration was mediocre by historical standards, but growth was solid in the year leading up to the election and the economy's earlier weakness could be blamed, in part, on the damage done to markets by the attacks of September 11. Real per capita income grew by 2.4 percent during 2004, close to the average of 2.7 for postwar presidential election years. The net loss of jobs since Bush took office in 2001 gave Democrats something to talk about, but the modest improvements during 2004 took the edge off the issue.

President Bush's job approval ratings also fell into a politically neutral range. Although declining from the record high Bush enjoyed during the immediate post-September 11 rally, they generally remained above 50 percent until February 2004 and stayed close to this mark through the election (Figure 3). The relatively low performance ratings Americans gave the president on the economy (an average of 43 percent approving, August through October) were evidently offset by notably higher performance ratings on his handling of terrorism (56 percent approving), keeping the president's overall job approval at a level that offered neither party's congressional candidates a discernable ad-

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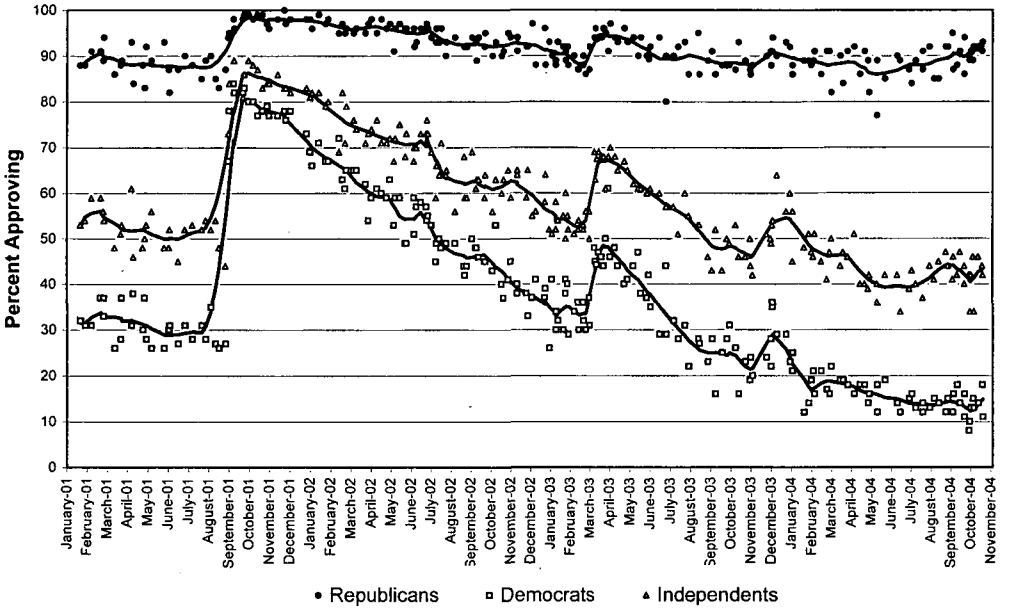
FIGURE 4
*Partisanship and Approval of G.W. Bush's Performance*




*Note*: The solid lines are estimated by Lowess smoothing.
*Source*: CBS News/*New York Times* and Gallup polls.

vantage, even after Bush's handling of the Iraq War had become a net liability (only 44 percent approving during this period).[11]

More important, the *composition* of Bush's overall approval ratings promised neither party's congressional candidates any help. Bush enjoyed overwhelming support from Republicans, achieving the highest job approval ratings within his own party of any president in the more than fifty years pollsters have been asking the question. But his approval rating among Democratic identifiers fell steeply after the post-September 11 rally, and by the beginning of 2004, had dipped below 20 percent (Figure 4). It fell further during the campaign, reaching the lowest point the Gallup poll ever recorded among the rival party's identifiers—8 percent in one October 2004 poll. Ironically, the candidate who had pledged in his 2000 acceptance speech campaign to be "a uniter, not a divider" had become the most polarizing president on record. Before Bush and going back to Eisenhower, the partisan difference in approval ratings had never exceeded 70 percentage points in any Gallup poll. In the twelve Gallup polls

[11] Based on twenty surveys taken between 1 August and 30 October 2004 by the CBS News/*New York Times* Gallup, ABC News/*Washington Post*, *Los Angeles Times*, and Pew Research Center for the People & the Press polls. Figure 3 includes data from these organizations plus the NBC News/*Wall Street Journal*, *Newsweek*, Marist, and Bloomberg polls; all sample adults 18 years and older.

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taken during the three months leading up to the election, the gap never fell below 70 points, averaging 79 and peaking at 83 (94–11). Evaluations of Bush's performance in different policy domains were also highly polarized along party lines during this period, on average splitting 82–13 on his handling of the economy, 82–20 on Iraq, and 90–27 on terrorism. These partisan differences were echoed in voters' responses to virtually all of the polling questions regarding which party would handle various policy issues better, as well as about the state of the economy and the overall direction of the country.[12]

In such a highly polarized atmosphere, neither party could anticipate attracting many partisan defectors on election day, so the vast majority of House districts were ceded to the dominant party. Only the most vulnerable House incumbents—very few in number—attracted formidable challenges. And in a departure from past elections, even open House seat contests were relatively quiet in 2004. Only eleven of the thirty-five were classified as competitive by *Congressional Quarterly*. (In 2000 and 2002, by comparison, more than half of the open seats were rated competitive.) One reason is that only nine of these seats were in the "wrong" party's hands according to the district's 2000 presidential vote; in twenty-one open districts, the 2000 presidential vote for the candidate of the party currently holding the seat exceeded 55 percent.

In the end, five of the seven open seats that switched party control in 2004 went to the party with the 2000 presidential majority, as did the new open seat in Texas, the two Texas seats where incumbents faced off, and four of the five other seats where challengers were successful. Thus, although the House elections produced relatively little change, they extended the long-term trend toward increasing the district-level consistency in House and presidential voting that is documented in Figure 5.

Finally, it is worth noting that the net results of the House elections were almost exactly what standard statistical models of the effects of national forces on aggregate election outcomes would predict. For example, an equation estimating inter-election seat swings as a function of presidential approval, real income change, and the quality of each party's challengers predicts a three-seat gain for Democrats, just what they would have achieved had it not been for the Texas redistricting (which was, of course, not factored into the model).[13]

## The Senate

The same trend toward greater consistency in voting for president and U.S. representative appeared in the 2004 Senate elections, resulting in a four-seat addi-

[12] See, for example, the CBS News/*New York Times* poll of 11–12 July 2004, at http://www.cbsnews.com/sections/opinion/polls, accessed 20 July 2004.

[13] The model may be found in Gary C. Jacobson, *The Politics of Congressional Elections*, 6th ed. (New York: Longman, 2004), 176. The prediction is based on the parameters estimated in the second equation in Table 6-6 multiplied by the values of the independent variables for 2004: presidential approval at 48 percent in the final Gallup poll before the election, annual change in real income per capita at 2.4 percent, and the proportion of experienced Republican and Democratic challengers at 14.7 percent and 14.6 percent, respectively.

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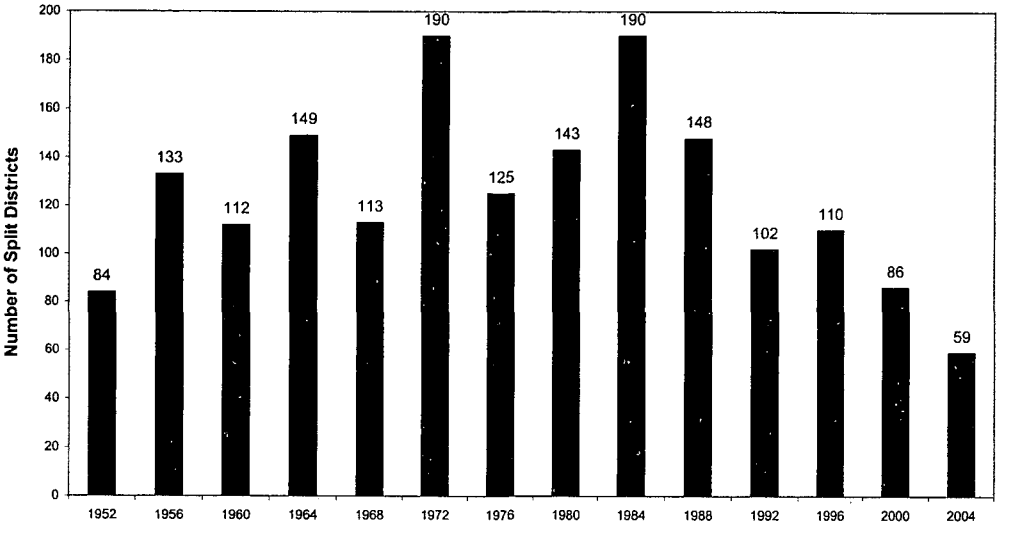
FIGURE 5
*Split House and Presidential Election Results, 1952–2004*




*Source*: Compiled by author.

tion to the Republicans' Senate majority. Although Democrats had entertained some hope of adding the two seats they needed to become the majority party, their chances were slim. In order to reach fifty-one, they would have had to win every seat where *Congressional Quarterly* gave them an edge and all of the seats rated tossups. Instead, Republicans won five of the six tossup races and another classified as leaning Democratic (Tom Daschle's seat). The Democrats' main problem was again structural: the more-efficient distribution of Republican voters. Although Gore had won the national vote in 2000, Bush carried thirty of the fifty states, including twenty-two of the thirty-four states with Senate contests in 2004. Democrats had to defend ten seats in states Bush had won, including five left open by retirements, all in the South, where support for Democrats has been eroding for several decades. Meanwhile, Republicans were defending only three seats in states won by Gore.

The opportunities offered by the Senate seats up for election in 2004 attracted a much higher proportion of serious aspirants than did the House contests. Six of the eight open seats produced heated, often lavishly-financed contests between first-tier candidates, as did the Republican challenge to minority leader Daschle. The principal contenders included eight current or former members of the House, three statewide officeholders, two former cabinet secretaries, and the heir to the Coors name and beer fortune. In the end, Republicans won all five of the open southern Democratic seats, plus Daschle's. Democrats picked up two open Republican seats with Barak Obama's victory in Illinois over Alan Keyes and Ken Salazar's over Peter Coors in Colorado. Seven of the

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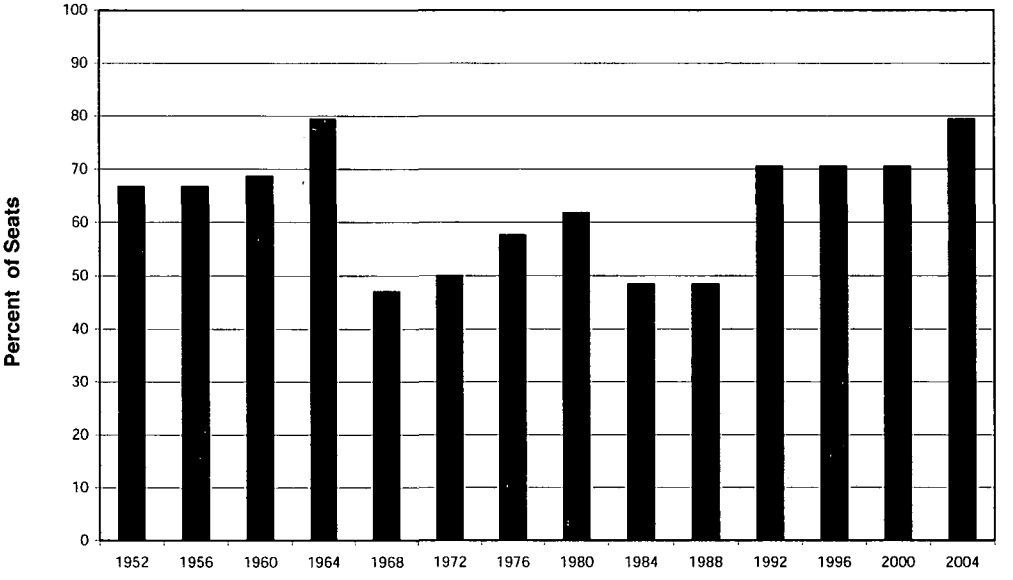
FIGURE 6
*States Won by Same Party in Senate and Presidential Elections, 1952–2004*




*Source*: Compiled by author.

eight Senate seats that changed party hands in 2004 went to the party that won the state in the 2000 and 2004 presidential elections; Salazar's victory was the lone exception.

More generally, twenty-seven of the thirty-four Senate contests were won by the party whose presidential candidate won the state's electoral votes, tying 1964 for the highest level of congruence in president–Senate election results in the past half century (Figure 6). When the 2004 winners are added to the continuing Senate membership, fully 75 percent of Senators now represent states where their party's candidate won the most recent presidential election, the highest proportion in at least fifty years (Figure 7).

In both House and Senate elections, then, the trend toward increasing partisan consistency in election results continued in 2004. There is little doubt that the national campaigns and the conditions that had shaped them had a good deal to do with this outcome. With the exceptions of "leave no child behind" and the prescription drug benefit bill, Bush spent his first term catering to his party's base among the corporate and small business sectors, social conservatives, and hard-line foreign-policy nationalists and was rewarded with overwhelming support from Republican identifiers. His approach alienated ordinary Democrats, who objected to the administration's policies on taxes, the environment, regulation, stem cell research, and, most important, the war in Iraq. Partisan differences were reinforced by the Bush campaign's primary focus on mobilizing core Republican supporters, especially religious conservatives, without much effort to reach out to moderates and Democrats.

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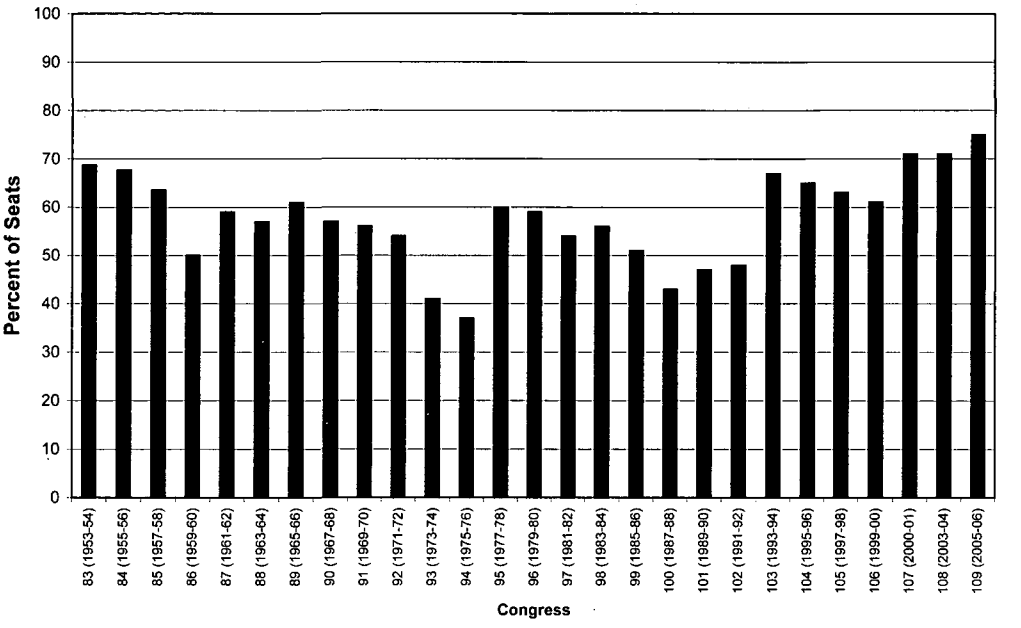
FIGURE 7
*Senate Seats Held by the Party Winning the State in the Most Recent Presidential Election*




*Source*: Compiled by author.

It was a successful strategy. Both presidential campaigns invested heavily in getting supporters to the polls, contributing (along with the strong feelings aroused by the candidates in 2004) to an increase of more than 17 million voters over 2000, raising the turnout rate from 55 percent to 60 percent of the eligible electorate.[14] But the Bush campaign outdid the Kerry campaign on this score, giving Bush his victory. According to the 2004 American National Election Study (NES), presidential turnout among Democratic identifiers was 1.9 percentage points higher than in 2000 and 2.6 points higher than their 1972–2000 average; among Republican identifiers, it was 4.8 points higher than in 2000 and 5.0 points higher than their 1972–2000 average.[15] The higher Republican turnout almost completely offset the Democrats' advantage in party identification, leaving an electorate composed of 47.4 percent Democrats and 46.4 percent Republicans (leaners treated as partisans). This augmented electorate displayed the highest level of partisan loyalty among presidential voters reported

[14] Michael McDonald, "Voter Turnout," accessed at http://www.gmu.edu/voter_turnout.htm, 4 February 2005.

[15] NES respondents always overstate their participation, but this does not prevent valid cross-election comparisons. The 2004 data are from the American National Election Study (VERSION 20050418, Apr 18, 2005), accessed at http://www.umich.edu/~nes/studyres/download/nesdatacenter.htm, 18 April 2005. Earlier data are from the NES 1948–2002 Cumulative Data File available at the same site.

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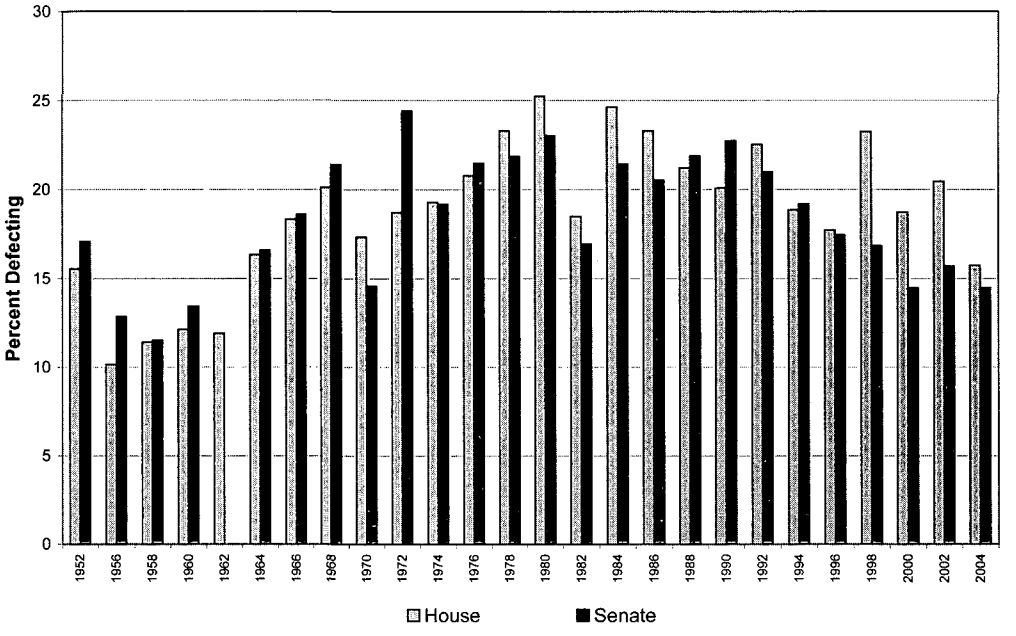
FIGURE 8
*Partisans Voting for the Other Party's Candidates in House and Senate Elections, 1952–2004*




*Source*: National Election Studies 1948–2002 cumulative data file and 2004 early release file.
*Note*: Senate vote question was not asked in 1962.

in the half century of NES surveys, 89.8 percent. Republicans were slightly more loyal than Democrats, 90.6 percent compared to 89.0 percent, another small contribution to Bush's success.

In such circumstances, it is no surprise to find that increased turnout in House and Senate elections favored Republicans and that congressional voters were also unusually loyal to their parties. In the previous five NES studies conducted in presidential election years (1984–2000), turnout of Republican identifiers averaged 5.2 percentage points higher than that of Democratic identifiers in House elections, and 6.3 points higher in Senate elections; in 2004, the Republican turnout advantage was 8.7 points in the former and 9.6 points in the latter. NES respondents' partisan defection rates in 2004 were the lowest since 1962 in House races and tied with 2000 for the lowest since 1960 in Senate races, elections prior to the sharp rise in the incumbency advantage of the mid-1960s (Figure 8).[16] Ticket splitting—voting for different parties in the presidential and House or Senate races—was also at its lowest level since the early 1960s.

The NES data also underline how important the enthusiasm for Bush among ordinary Republicans was to both his and his congressional allies' victo-

[16] Jacobson, *The Politics of Congressional Elections*, 26–28.

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ries. Notice in Figure 4 that the performance ratings of the president offered by self-identified independents were relatively low, considerably closer to those of Democrats than to those of Republicans. Bush's weakness among independents was also evident in the NES survey, where 58 percent (defined as either pure independents or as pure independents plus independents who said they leaned toward a party) reported voting for Kerry.[17] Only once before, in 1960, did the loser receive a majority of votes from independents in an NES survey. Majorities of independents also favored Democratic Senate and House candidates in 2004. The high turnout and solid support of Republican identifiers for Republican candidates, then, was essential to offset the equally solid opposition among the Democrats who did vote and the Republicans' relatively weak showing among independents.

High turnout and high party loyalty, combined with the Republicans' structural advantage in House elections and the mix of Senate seats up in 2004, served to strengthen the Republican grip on Congress despite the absence of any pro-Republican trend in voter opinion. The aggregate vote totals indicate that Democrats actually ran stronger in House races than they had in 2002. Their mean vote was higher (51.1 percent compared to 49.9 percent); in districts with major-party competitors in both 2002 and 2004, the Democrats' share of votes increased an average of 1.4 percentage points, with nearly two-thirds of the Democrats improving on their party's 2002 performance. As noted, only the Texas gerrymander saved Republicans from a net loss of House seats. Yet any election that, like 2004, is characterized by high levels of party polarization and loyalty simply reinforces the Democrats' structural disadvantage in the distribution of voters, leaving them virtually no chance of making significant gains.

The highly polarized electorate was most damaging, however, to Democrats' Senate hopes. As noted above, eight of the nine Senate seats that changed party hands conformed to the red state–blue state presidential division. Most devastating to Democrats was the loss of all five of the open seats they were defending in the South. Figure 9 shows why they were shut out. For many years, a substantial proportion of Southerners who preferred Republican presidential candidates had nonetheless been willing to vote for Democrats for Senate; between 1960 and 1992, an average of 40 percent did so. After the Republican takeover of the Senate in 1994, that average fell to 15 percent; in 2004, it was down to 8 percent, and if the analysis is confined to open seats, a mere 4 percent.[18] Consequently, the five Democrats defending open Senate seats in the South ran only slightly ahead of Kerry (3 percentage points on average), doom-

[17] Both the Gallup poll and the national exit poll also showed Kerry winning among independents, although by smaller margins (4 points and 1 point, respectively). See Jeffrey M. Jones, "How American Voted," Gallup News Service, 5 November 2004; and "Results from the Times National and California Exit poll," *Los Angeles Times Poll Alert*, Study #513, 3 November 2004.

[18] The same trend shown in Figure 10 is evident in Southern voting for U.S. Representatives, although it is not so pronounced and was lowest in 1996, not 2004.

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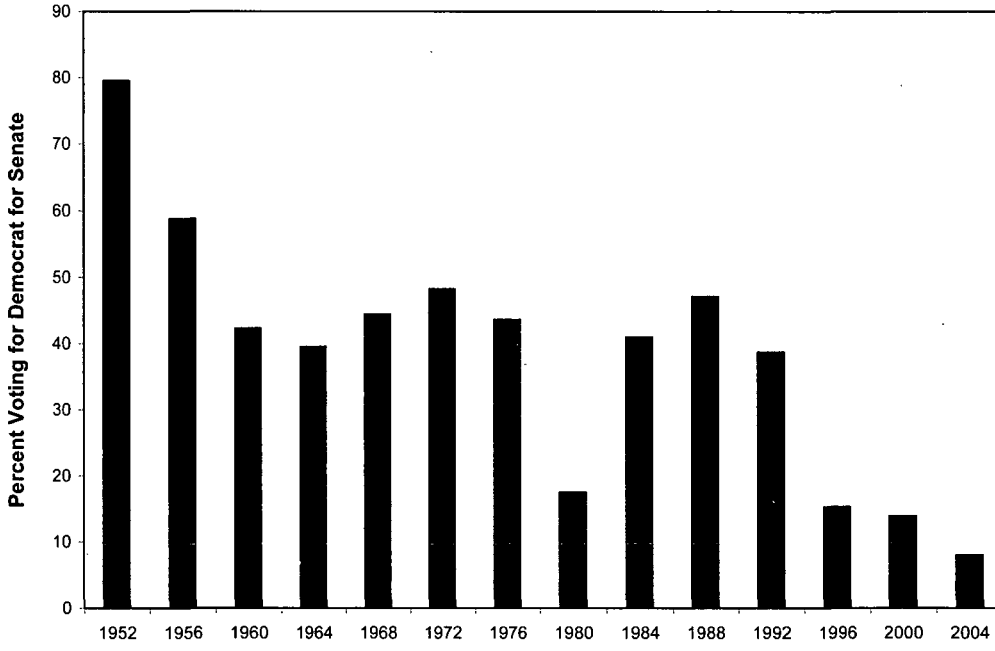
FIGURE 9
*Ticket Splitting by Republican Presidential Voters in the Southern Senate Elections, 1952–2004*




*Source*: National Election Studies.

ing their candidacies in states where Bush was very popular and won handily.[19] Tom Daschle's narrow defeat by John Thune in South Dakota (49.4 percent to 50.6 percent) was also probably a consequence of tightening party lines. Daschle had run 92,000 votes ahead of Bill Clinton in 1992 but outpolled Kerry by only 44,000 in 2004, not enough in a state that Bush won with 61 percent of the major-party vote.

In sum, the Bush administration's strategy of serving the party's base while in office and putting most of its energies into mobilizing core supporters during the campaign was at least as productive for congressional Republicans as it was for the president. A partisan standoff with both sides highly motivated and loyal to their parties guarantees, at present, Republican control of Congress.

## Campaign Money in 2004

The 2004 elections were the first conducted under the Bipartisan Campaign Reform Act (BCRA), which, among other things, doubled the individual contribution limit to $2,000 per candidate per campaign, closed the "soft money"

[19] According to the 2004 NES survey, Bush's approval rating was 63.9 percent in these five states, compared to 49.4 percent elsewhere.

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loophole in party fundraising and spending, and imposed restrictions on advocacy groups that had been spending unlimited and unreported sums on independent campaigns under the guise of "voter education" or "issue advocacy." BCRA was not without effect—the share of campaign contributions from individuals increased, parties shifted from spending soft money to spending hard money on independent campaigns, and 527 groups took up some of the space formerly occupied by advocacy groups funded by unions and corporations[20]—but the flow of campaign funds was determined much less by BCRA than by the fundamental strategic considerations that always shape congressional campaign finance.

Money of all sorts—contributions to candidates' campaigns, independent party spending, 527 and other independent campaigns—was heavily concentrated in the small number of competitive House races and in the ten or so hottest Senate contests. With one possible exception, every House or Senate candidate with a plausible chance of winning was amply funded.[21] In a few Senate contests, spending reached astonishing levels. Daschle and Thune between them spent a total of more than $34 million in South Dakota, a state with fewer than 502,000 registered voters, amounting to a record $67 per eligible voter. In Alaska, the candidates spent $11 million to reach an electorate of fewer than 480,000 (nearly $23 per voter). Independent spending by parties and organizations was also heaviest in these and the other competitive races, combining with the candidates' efforts to produce a level of saturation campaigning difficult to imagine without living in a targeted state or district. The election results suggest that the product of all of this extravagance was a standoff: neither party enjoyed a financial advantage, so outcomes were largely determined by the underlying partisan disposition of the electorate. Given the Republicans' structural advantage in the distribution of partisans, such a standoff could only be to their candidates' benefit.

## THE 109TH CONGRESS

The results of the 2004 elections are unlikely to mitigate the intensely partisan atmosphere in which they took place. Indeed, the turnover of congressional seats points in the opposite direction. All six of the Senate Democrats replaced by Republicans were more moderate than their party's average, with mean DW

[20] Gary C. Jacobson, "The First Congressional Campaign After BCRA," in *One Election Later: 2004 Politics After the Bipartisan Campaign Reform Act* (Lanham, MD: Rowman & Littlefield, forthcoming).

[21] In Kentucky, Democratic challenger Daniel Mongiardo was given little chance until the incumbent, Republican Jim Bunning, began behaving erratically during the campaign. Some late money flowed into Mongiardo's campaign and he eventually received help from his party, but the $3 million he spent was still 30 percent lower in real terms than Bunning's 1998 opponent had spent. Mongiardo won 49.3 percent of the vote. This is the only Senate or House race in 2004 in which a timely infusion of money might have altered the outcome; Ibid.

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Nominate scores for the 108th Congress (2003–2004) of −.220, compared to −.409 for the other Senate Democrats (the difference is significant at $p < 0.01$).[22] Six of the newly elected Republican senators, including four of the five who replaced southern Democrats, had served in the House. Four of the six had more-conservative DW Nominate scores than their party's average in that body. Moreover, the two retiring Republican senators whose seats were won by Democrats (Peter Fitzgerald of Illinois and Ben Nighthorse Campbell of Colorado) were both to the left of their party's mean (.235 and .248, respectively, compared to the party average of .393). Thus in the Senate, both parties lost moderates and, at least on the Republican side, gained more extreme ideologues.

Changes brought about by the House elections had a similar thrust, although the effect is smaller because a much smaller proportion of House seats changed party hands. All five of the Texas Democrats who were pushed out by redistricting and replaced by Republicans had been more moderate than average for their party; if we include Hall, the party-switcher, the average DW Nominate score for the six departing Democrats is −.179 compared to −.409 for all other House Democrats (the difference is significant at $p < 0.001$). The net ideological effect of the other six party turnovers in the House is, however, likely to be neutral.

More broadly, the electoral coalitions served by the congressional parties in each house continue to diverge ideologically. As Figure 10 shows, the consistency between ideological self-placement and congressional voting reached a peak in 2004. A substantial majority of voters (about 61 percent) now place themselves on the seven-point NES liberal–conservative scale and to the right or left of its center point. Among these voters, 82 percent voted appropriately (liberals for Democrats, conservatives for Republicans) in House elections and 84 percent in Senate elections, the highest levels yet in the NES time series. Consequently, the congressional parties in the 109th Congress will be representing the most ideologically divergent electoral coalitions since NES began measuring respondents' ideologies in 1972. Figure 11 displays the growing ideological gap between the parties' respective electoral coalitions in both chambers (defined by the NES respondents who voted for their successful candidates). Whereas thirty years ago, the mean self-placements of the voters responsible for electing Republicans and Democrats to Congress were only about 0.5 points apart on the scale, the gap has since tripled, to about 1.5 points. Looking at the data another way, back in the early 1970s, the ratio of liberals to conservatives

[22] The DW Nominate scale is a measure of ideological location calculated from all the nonunanimous roll call votes cast in all congresses since the 80th (1947–1948). Each member's pattern of roll call votes locates him or her on a liberal–conservative scale ranging from −1.0 (most liberal) to 1.0 (most conservative). See Nolan M. McCarty, Keith T. Poole, and Howard Rosenthal, *Income Redistribution and the Realignment of American Politics* (Washington DC: The AEI Press, 1997); DW Nominate is an updated version of their D-Nominate measure; I am obliged to Keith Poole for providing these data, which may be found at http://voteview.com/dwnl, accessed 4 January 2005.

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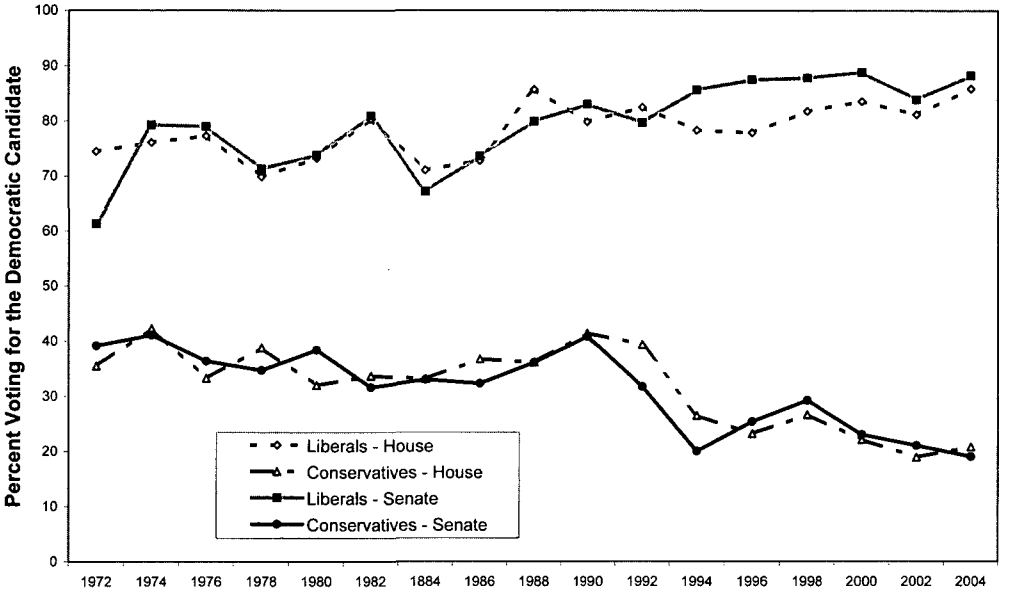
FIGURE 10
*Ideology and Voting in Congressional Elections, 1972–2004*




*Note*: Data are for contested elections only. Liberal, those who place themselves at 1–3 on the NES 7-point liberal–conservative scale; conservative, those who place themselves at 5–7 on the scale.
*Source*: National Election Studies.

in the Democrats' House and Senate coalitions was about an even 1:1; now, liberals outnumber conservatives by more than 2:1 in both. Conservatives outnumbered liberals among Republican electoral constituencies in the early 1970s by ratios of about 2:1 in both chambers; by 2004, the ratio of conservatives to liberals had grown to more than 7:1 in the House and more than 10:1 in the Senate.

The election, then, reinforced the already sturdy electoral roots of partisan and ideological polarization in national politics. It also left the nation as sharply divided along party lines in their assessments of the winner as they had been before the election. As a result, Bush received the lowest overall approval ratings of any newly reelected president for whom survey data are available, as his sky-high ratings among Republicans were offset by extraordinarily low approval among Democrats (Figure 12). The president's Second Inaugural and State of the Union addresses left these assessments largely unaffected.[23] If anything, the president's declared second-term domestic agenda—partial privatization of Social Security, making the 2001 tax cuts permanent, cutting social programs, pursuing pro-industry tort reform, energy and environmental policies—is even more polarizing than his first. Add to it the president's renomina-

[23] In two Gallup polls taken in February after the State of the Union speech, Bush's approval rating averaged 92.5 percent among Republicans, 17.5 percent among Democrats, and 53 percent overall.

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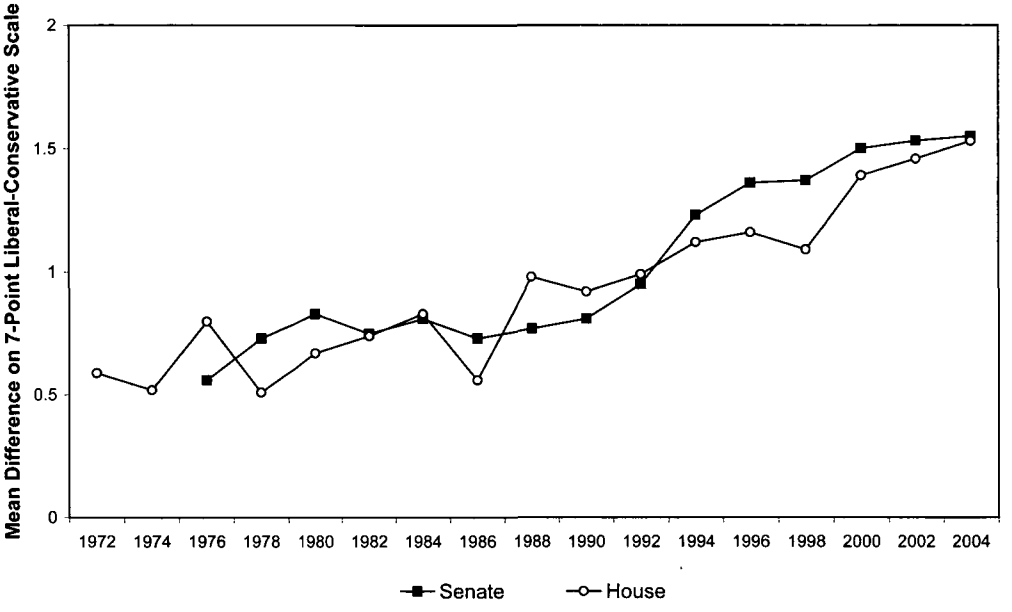
FIGURE 11
*Ideological Divergence of Electoral Constituencies of House and Senate Parties, 1972–2004*




*Source*: National Election Studies.

tion of conservative judges, the chipping away at abortion rights, and continued pursuit of the neo-conservative vision in foreign policy, and it is difficult to imagine that partisan and ideological conflict will subside any time soon. The enlarged Republican House and Senate majorities should, in theory, make it easier for Bush to prevail in these conflicts. But the hostility of their own supporters to the administration leaves congressional Democrats with little incentive to help Bush in any way and every reason to mount all-out resistance on issues such as Social Security privatization, on which their constituents remain overwhelmingly opposed to his policies.

## LOOKING TO 2006

Democrats also have ample reason to consider adopting the obstructionist tactics pioneered by Newt Gingrich and Bob Dole when the Democrats had undivided control of the government—and thus full responsibility for its performance—during the 103rd Congress (1993–1994). Refusing any serious participation in the attempt to reform the health care system or to balance the budget, Republicans put all their energy into making the Clinton administration and its Democratic allies in Congress look bad. The strategy worked, and Republicans have run Congress ever since.[24] Democrats are now in a position where

[24] With the exception of the period during the 107th Congress, after James Jeffords's exit from the Republican Party gave Democrats temporary control of the Senate.

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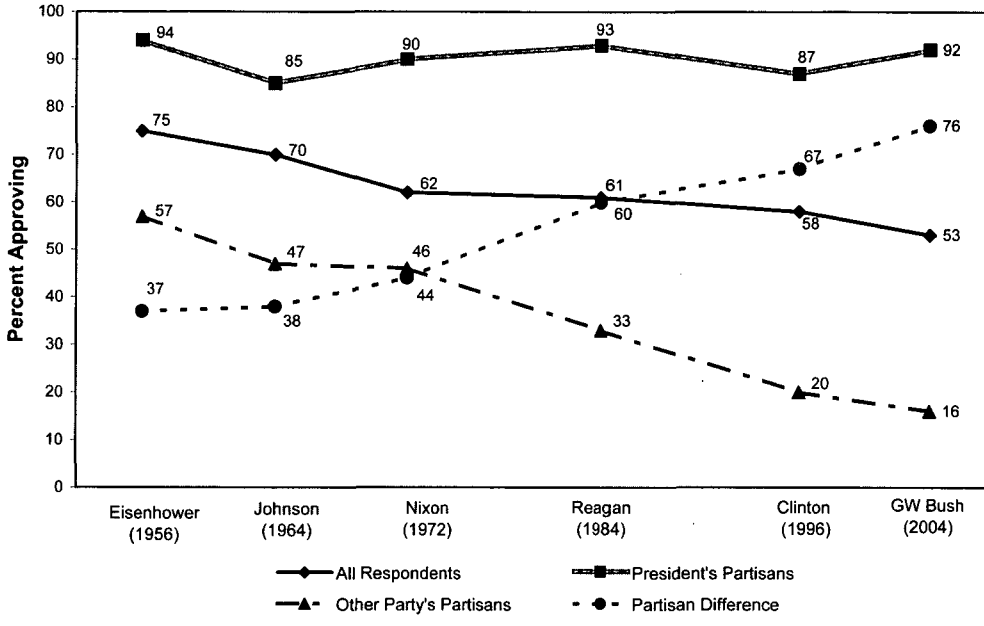
FIGURE 12
*First Post-election Approval Ratings of Presidents Elected to Second Terms*




*Source*: First post-election Gallup Poll.

they have little hope of retaking either chamber without the help of a strong pro-Democratic (or, more probably, anti-Republican) national tide. Such a tide could, in principle, break the Republican hold on the House. Figure 13, which displays the frequency distribution of Republican and Democratic House seats according to the size of Gore's share of the major-party vote in 2000, suggests why. The Democratic seats at the far right of the figure outnumber the Republican seats at the far left, evidence of the larger number of "wasted" Democratic voters in House elections. But the Republican seats just to the left of the 50-50 line outnumber the Democratic seats just to its right, indicating that, at least in theory, more Republican than Democratic House seats would be vulnerable to an unfavorable national swing. Thus, if national conditions—the economy's performance, Bush's standing with the public, unpopular Republican action on the budget or in tinkering with Social Security, deteriorating conditions in Iraq—were to favor the Democrats at the time of the 2006 midterm, they might be able to retake the House, always assuming that the party recruited enough high-quality candidates with the skill and resources to take advantage of the electoral opportunities such conditions would offer.

The configuration of Senate seats that will be on the ballot in 2006 is also more favorable to the Democrats than it was in 2002 or 2004, although not enough to make a Democratic Senate majority more than a long shot, even with favorable national conditions. Sixteen of the thirty-three seats that are up in 2006 are in states won by Gore and Kerry, but only three of them are currently

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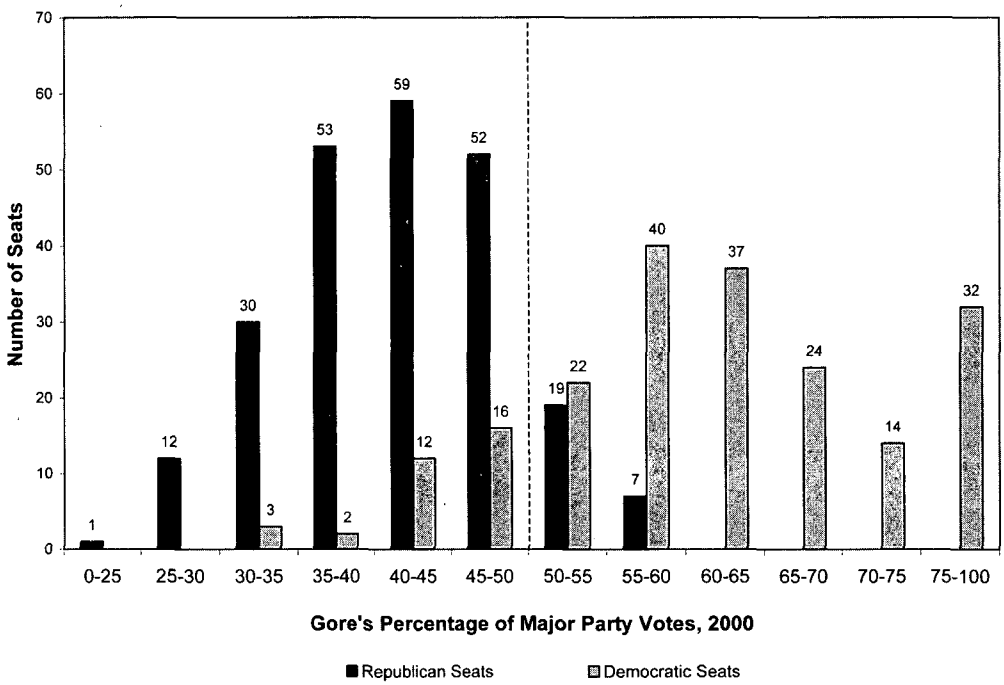
FIGURE 13
*Party Control of House Seats after the 2004 Election*




*Source*: Compiled by author.

held by Republicans, two of whom are popular moderates, Olympia Snowe of Maine and Lincoln Chafee of Rhode Island. Only the third, Rick Santorum of Pennsylvania, a hard-line social conservative in a state that leans Democratic, seems potentially vulnerable. Moreover, five of the seventeen seats Democrats will be defending in 2006 are in states won by Bush in 2004 (Florida, Nebraska, New Mexico, North Dakota, and West Virginia).

In future contests for control of either chamber, a continuation of the current era of relatively high partisan loyalty and sharp partisan polarization would appear to serve congressional Republicans well. As long as voters in an evenly divided electorate stick to their parties, the Republicans' structural advantage will keep the party on top. Republican leaders, then, have little electoral incentive to accommodate congressional Democrats or to avoid actions that might intensify partisan and ideological divisions.

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# Why Bush Won the Presidential Election of 2004: Incumbency, Ideology, Terrorism, and Turnout

JAMES E. CAMPBELL

More than 122 million Americans voted in the 2004 presidential election, nearly 17 million more than in 2000. This was a 16 percent increase in the total vote, the largest percentage increase in turnout since 1952.[1] Of the more than 121 million who voted for a major-party candidate, 51.2 percent voted for President George W. Bush and 48.8 percent voted for his Democratic rival, Senator John Kerry. President Bush carried thirty-one states and accumulated 286 electoral votes, making him only the sixteenth president in American history to be elected to two terms in the White House—and only the fourth since 1960. Republicans have now won seven of the last ten presidential elections.

Although the 2004 election was not as close as many observers had anticipated in the last weeks of the campaign nor as close as the election of 2000, it nonetheless ranks in the top tier of narrowly decided presidential elections. Of the thirty-five presidential contests since 1868, the 2004 election is one of only nine in which the winning presidential candidate received less than 51.5 percent of the two-party popular vote.[2] President Bush received the narrowest popular

[1] The estimated turnout in 2004 as a percentage of the voting age population was 56.2 percent, according to Dave Leip, "Dave Leip's Atlas of U.S. Presidential Elections," accessed at http://uselectionatlas.org/, (26 January 2005). This was 60 percent of the voting eligible population according to Michael P. McDonald, "Up, Up, and Away! Voter Participation in the 2004 Presidential Election," *The Forum: A Journal of Applied Research in Contemporary Politics*, (December 2004) Vol. 2: No. 4, Article 4, accessed at http://www.bepress.com/forum/vol2/iss4/art4, 6 January 2005.

[2] James E. Campbell, *The American Campaign: U.S. Presidential Campaigns and the National Vote* (College Station, TX: Texas A&M University Press, 2000), 165. Of the nine "near dead-heat elections," the 2004 election ranked ninth or was not as close as the other eight.

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vote margin of any of the twenty-two incumbents who won reelection during this period (although seven lost their bids) and fell 2 percentage points short of the average vote for an incumbent. In terms of the electoral vote margin, the 2004 election ranks as the fourth closest since 1868. In the twentieth century, only Woodrow Wilson's 1916 victory over Charles Evans Hughes and Bush's contentious victory in 2000 over Al Gore were decided by smaller electoral vote margins. Each of these three elections turned on the outcome in a single, closely decided state.[3]

What explains the election's outcome? This general question subsumes two interrelated sub-questions. First, why did a majority of American voters decide to reelect President Bush rather than elect Senator John Kerry? Second, why was the election between Bush and Kerry as close as it was? The answers to these questions require an examination of both the fundamental conditions that set the context for the election (the long-term influences on the vote) and the developments of the campaign itself (the short-term influences).

Experience with presidential forecasting models suggests three sets of pre-campaign fundamentals that are important to setting the context for presidential elections.[4] Using an analogy to a card game, the fundamentals are the cards dealt to the candidates. In this game, each side knows what cards the other holds—so although it is possible for either side to misplay its cards (to fritter away its advantages [see, Al Gore]), in general, the candidate dealt the stronger hand wins the game.[5] The three fundamentals are the public's opinion about the candidates at the outset of the campaign, the growth in the election year economy, and incumbency (both personal and the number of terms that a party has occupied the White House). The candidates who have the stronger hand are those who are highly regarded by the public at the outset, in-party candidates running when the election year economy is strong and out-party candidates running when the election year economy is weak, and incumbents who are seeking a second consecutive term in the White House for their party. To varying degrees, all three of these fundamentals favored President Bush in 2004.

The dividing line between the pre-campaign fundamentals and the short-term considerations of the campaign is anything but clear. In the end, all influences on the vote are short-term, but all of these considerations are influenced (either directly or conditionally) by the pre-campaign fundamentals. Voters are

[3] The election-deciding state was California in 1916, Florida in 2000, and Ohio in 2004. Actually a shift in a smaller number of votes in New Mexico, Iowa, and Colorado also could have tipped the electoral vote toward Kerry.

[4] See James E. Campbell, "The Fundamentals in U.S. Presidential Elections: Public Opinion, the Economy, and Incumbency in the 2004 Presidential Election," *Journal of Elections, Public Opinion & Parties* 15 (Issue 1 2005):73–83; Campbell, *The American Campaign*, 13–22.

[5] Lazarsfeld offered a different analogy. He wrote, "The campaign is like the chemical bath which develops a photograph. The chemical influence is necessary to bring out the picture, but only the picture pre-structured on the plate can come out." Paul F. Lazarsfeld, "The Election is Over," *Public Opinion Quarterly* 8 (Autumn 1944): 330. This portrays the campaign as a more-passive, less-influential process than in the card game analogy.

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not amnesiacs. They evaluate what they hear in the course of the campaign in light of what they understood coming into it. Although many voters focus on politics only during the campaign, they still bring to the campaign experiences and impressions gathered between campaigns. Most often, these pre-campaign-based judgments and the partisanship they support strongly guide short-term evaluations to the vote. The nearly equal campaign efforts of both sides also limit the net impact of the overall campaign. Although overstating the case somewhat, Paul Lazarsfeld, more than a half century ago, made this point in concluding that "elections are decided by the events occurring in the entire period between two presidential elections and not by the campaign."[6] In the elections since Lazarsfeld wrote, campaigns between the conventions and Election Day have, on average, shifted the vote by only about 3.5 to 4 percentage points, maybe less.[7] In the 2004 election, the shift was even smaller than this. Bush held a slight lead in the preference polls after the conventions, and his share of the vote was within 1 percentage point of that lead. Still, although the net effects of the 2004 campaign were small, there were significant (albeit largely offsetting) effects. Most notably, Senator Kerry received a boost from the three presidential debates and President Bush benefitted from the large increase in turnout. The key to understanding the 2004 election, however, rests with the political context of the election, the fundamentals. The first and most important of these is the public's predisposition toward the candidates.

## Pre-Campaign Public Opinion

At the outset of the general election campaign, in the period surrounding the national conventions in July until the first week of September, public opinion about the reelection of President Bush was divided but tilted slightly in his favor. Table 1 displays the vote and the two best indicators of the public's pre-campaign predisposition about the election: the approval rating of the president in July and the in-party share of preferences among registered voters at Labor Day for the fifteen elections from 1948 to 2004.[8] Both opinion measures

[6] Lazarsfeld, "The Election is Over," 330.

[7] James E. Campbell, "When Have Presidential Campaigns Decided Election Outcomes?" *American Politics Research* 29 (September 2001): 437–460.

[8] Both sets of poll numbers are from The Gallup Organization and the national popular vote is calculated from data in *Congressional Quarterly's Guide to U.S. Elections, Fourth Edition, Volume 1* (Washington, DC: CQ Press, 2001), 675–688; Leip, "Dave Leip's Atlas." The approval numbers from 1948 to 2000 have been gathered from various Gallup poll releases over the years. The 2004 number is from the 8–11 July poll by Gallup, "Presidential Ratings–Job Approval," accessed on the website of The Gallup Organization at http://www.gallup.com/ (28 November 2004). The preference or trial-heat numbers for elections from 1948 to 1992 were obtained from Gallup. The 1996 and 2000 numbers were calculated from "General Election Tracking Polls" accessed at the Gallup Poll website at http://www.gallup.com/, 28 November 2004. The 2004 number is from Gallup, "Trial Heat–Bush vs. Kerry (Registered Voters)," http://www.gallup.com/election2004/numbers/heats/default.asp, 5 November 2004. The preference poll numbers are of registered (not "likely") voters.

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TABLE 1

*Pre-Campaign Public Opinion and the In-Party Vote, 1948–2004*

| *Presidential Approval in July* | | | *Labor Day Preference for In-Party Candidate* | | |
|---|---|---|---|---|---|
| *Year* | *Approval Rating (%)* | *In-Party Vote (Two-Party %)* | *Year* | *In-Party % in Poll at Labor Day* | *In-Party Vote (Two-Party %)* |
| 1964 | 74 | 61.3 | 1964 | 69.2 | 61.3 |
| 1956 | 69 | 57.8 | 1972 | 62.9 | 61.8 |
| 2000 | 59 | 50.3 | 1996 | 60.8 | 54.7 |
| 1996 | 57 | 54.7 | 1984 | 60.2 | 59.2 |
| 1972 | 56 | 61.8 | 1956 | 55.9 | 57.8 |
| 1984 | 52 | 59.2 | 1988 | 54.4 | 53.9 |
| 1988 | 51 | 53.9 | 2000 | 52.1 | 50.3 |
| 1960 | 49 | 49.9 | 1960 | 50.5 | 49.9 |
| *2004* | *47* | *51.2* | *2004* | *50.5* | *51.2* |
| 1976 | 45 | 49.0 | 1980 | 48.7 | 44.7 |
| 1968 | 40 | 49.6 | 1948 | 45.6 | 52.3 |
| 1948 | 39 | 52.3 | 1952 | 42.1 | 44.6 |
| 1952 | 32 | 44.6 | 1992 | 41.9 | 46.5 |
| 1992 | 31 | 46.5 | 1968 | 41.9 | 49.6 |
| 1980 | 21 | 44.7 | 1976 | 40.0 | 49.0 |
| In-Party | Below 46% | Above 46% | | Below 50% | Above 50% |
| Won | 1 | 8 | | 1 | 8 |
| Lost | *5* | 1 | | *5* | 1 |
| Correlation with vote | .82 | | | .86 | |

*Note*: Win and loss refer to achieving a majority of the popular two-party vote. The poll data are from Gallup surveys. The Labor Day preference polls are the two-party division of registered voters. Based on the bivariate linear regression, the estimated tipping point for 50 percent of the two-party vote is 40.5 percent of July approval and 47.3 percent of the Labor Day preference poll.

are strong precursors of the vote several months later, having correlations with the vote of .82 and .86. The table orders the fifteen elections from 1948 to 2004 by each indicator from the most- to least-positive for the in-party candidate, along with the corresponding election results. The gap in each listing marks where public opinion appears to cross over from indicating a popular vote win to a loss. The cut-point for July approval is set at 46 percent (although a linear regression suggests an even lower threshold) and the cut-point for the Labor Day preference is set at 50 percent.

As the table shows, by both measures of public opinion, the reelection of President Bush sat at the cusp of the favorable numbers. President Bush's approval rating in July was 47 percent. Seven of the eight in-party candidates who had enjoyed higher approval at this point won their election. Only Richard Nixon in 1960 fell short in his razor-thin loss to John Kennedy. Five of the six in-party candidates whose incumbents had lower approval ratings in July lost their elections. The only survivor was Harry Truman, who, with the help of a booming second quarter economy, reassembled the splintered majority New Deal coalition just in time to fend off Thomas Dewey.

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Labor Day preference polls tell the same story: on the eve of the campaign, the public was closely divided, but with a slight tilt toward Bush. Seven of the eight in-party candidates that stood at 50 percent or higher in the polls at Labor Day won their popular votes in November. Nixon in 1960 was again the exception. Of the six in-party candidates who trailed their opponents at Labor Day, again only Truman in 1948 came back to win the popular vote. The regression of the poll against the vote indicated that the critical threshold for an in-party candidate to reach an expected 50 percent of the vote is short of 50 percent in the polls, so Bush's 50.5 percent of support in the polls set his candidacy on the positive side of the line. The pre-campaign tilt toward Bush is also evident in the American National Election Study (NES) data concerning when voters report having decided their vote choice.[9] Those who said that they had decided how they would vote at or before the time of the national conventions reported voting for Bush over Kerry by 52.5 to 47.5 percent.

Why was pre-campaign opinion so divided, but with a slight tilt toward Bush? To a substantial degree, this reflects the defining feature of recent American politics: the evenly divided and party-polarized electorate.[10] By party polarization, I mean an intensely felt affection for one political party (and its candidates and policy positions) accompanied by an intensely felt disaffection for the opposite party (and its candidates and policy positions). Although there is some debate over how divided the public is over policy issues, there is little question that the electorate is much more sharply divided into partisan camps than it has been since at least the 1960s.

There is a good deal of evidence of party polarization in recent surveys. For example, an October Gallup poll found that 71 percent of Republicans strongly approved and 68 percent of Democrats strongly disapproved of President Bush's job performance. According to Gallup's Jeffrey Jones, "Prior to Bush, no president had seen 60% of both parties with strong opposing views of his performance."[11] This polarization was by no means limited to views of President Bush, although NES data indicate that 84 percent of voting Democrats said that Bush had made them feel angry and 91 percent of voting Republicans said that he had made them feel proud. Since 1952, the NES has asked potential voters whether there were important differences in what the Republicans and

[9] The American National Election Study (NES) 2004 data are the advance release, accessed at www.umich.edu/~nes/, 13 February 2005. I have weighted the data to the actual vote division to improve the accuracy of the data.

[10] See Morris P. Fiorina, Samuel J. Abrams, and Jeremy C. Pope, *Culture War? The Myth of a Polarized America* (New York: Pearson Longman, 2005).

[11] Jeffrey M. Jones, "Views of Bush Reach New Heights of Polarization," accessed on the website of The Gallup Organization at http://www.gallup.com/, 21 October 2004. See also Jeffrey M. Jones, "Bush Ratings Show Historical Levels of Polarization," accessed at the website of The Gallup Organization at http://www.gallup.com/, 4 June 2004. Current partisan differences in rating Presidents Reagan and Clinton are quite large as well. See Jeffrey M. Jones, "Roosevelt, Kennedy Most Positively Rated Recent Presidents," accessed at the website of The Gallup Organization at http://www.gallup.com/, 6 November 2004.

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Democrats stood for. In the typical election up until 1980, just barely half said they saw important party differences. This increased to about 62 percent in elections from 1984 to 2000. The number soared in 2004. More than 80 percent (and 86 percent of voters) said that they perceived important differences between what the parties stood for.[12] In the end, about 83 percent of voters in the NES (85 percent of Bush voters and 81 percent of Kerry voters) said that their candidate preference was strong.

There are several explanations for this party polarization. The first is the realignment that began in the late 1950s and culminated in the Republican majority in the U.S. House of Representatives in 1994.[13] As Edward Carmines and James Stimson demonstrated some time ago, the collapse of the racial issue into the traditional government activism issue set in motion a domino effect, mobilizing and pulling African American voters into the Democratic Party and, over time, moving conservative white Southerners into the Republican Party.[14] The Democratic Party became more homogeneously liberal, and the Republican Party became more homogeneously conservative. What Everett Carll Ladd referred to as the "post-industrial party system" is most clearly evident in the evolution of our political geography, with Northeastern states becoming solidly Democratic and the "Solid South" solidly Republican.[15] This realignment set the parties near parity (similar to the party system in place from 1876 to 1896), adding further fuel to polarization. According to 2004 NES data, about 48 percent of voters identified themselves as Democrats and about 47 percent as Republicans.[16] Moreover, partisanship is resurgent.[17] Nearly 40 percent of voters indicated that they strongly identified themselves with the Democratic or Re-

[12] This comports with the findings of an ideological sorting out in the realignment. See Alan I. Abramowitz and Kyle L. Saunders, "Ideological Realignment in the U.S. Electorate," *Journal of Politics* 60 (August 1998): 634–652. See also Marc J. Hetherington, "Resurgent Mass Partisanship: The Role of Elite Polarization," *American Political Science Review* 95 (September 2001): 619–631. NES data for 2004 even report wide partisan divisions over perspectives on the nation. While 41 percent of voting Republicans agreed with the statement that there were "some things about America today that make me feel ashamed of America," 74 percent of voting Democrats agreed with the statement. Sixty-five percent of voting Republicans, but only 35 percent of voting Democrats, said that it made them feel "extremely good" to see the American flag flying.

[13] See Everett Carll Ladd, "The 1994 Congressional Elections: The Postindustrial Realignment Continues," *Political Science Quarterly* 110 (Spring 1995): 1–23.

[14] Edward G. Carmines and James A. Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton, NJ: Princeton University Press, 1989).

[15] Everett Carll Ladd, "1996 Vote: The 'No Majority' Realignment Continues," *Political Science Quarterly* 112 (Spring 1997): 2.

[16] This parity is consistent with both the Edison-Mitofsky and *The Los Angeles Times* exit polls. Leaners in the NES data are counted as partisans and the data have been weighted to the actual vote division. Both the exit polls and NES indicate that the electorate was more Republican in 2004 than in 2000.

[17] See Larry M. Bartels, "Partisanship and Voting Behavior, 1952–1996," *American Journal of Political Science* 44 (April 2000): 35–50; Hetherington, "Resurgent Mass Partisanship," 619–631; Campbell, *The American Campaign*, 216.

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publican Parties (about as many strong partisans as in the 1950s and more than in any election since 1964) and about 90 percent of party identifiers voted for their respective party's presidential candidate.[18]

Adding to the long-term reasons for polarization in 2004 are two potent reasons particular to 2004. First, memories of the disputed 2000 election were still vivid. Adherents of both parties thought that the other side had attempted to steal the election. The everyday rhetoric of political discussions after 2000 became intemperate and harsh. Nearly 70 percent of Democratic voters in the 2004 NES survey said that they still felt strongly that the outcome of the 2000 election had been unfair. The war in Iraq further fueled polarization. As the war continued and casualties mounted, conflicting views about the war overshadowed the short-lived bipartisanship following al Qaeda's attacks on September 11, 2001 and the international efforts to hunt down terrorists. Some thought that the war was unnecessary, ill-conceived, based on inaccurate claims or lies, motivated by oil, poorly executed, too expensive in lives and resources, and ultimately counterproductive. Others thought that the war was necessary, in light of our international intelligence about the threat at the time (intelligence that initially received bipartisan support, including from Senator Kerry), fought to the best of our capabilities and with the best of intentions—that it would at least eliminate a brutal regime and might ultimately contain or reduce hostilities and terrorism exported from a perennially troubled region of the world. Reactions to Michael Moore's highly controversial film, *Fahrenheit 911*, exemplified just how bitter the political divisions had become.

Opinions regarding the war on terror and the war in Iraq (issues that Democrats separated, but Republicans regarded as part and parcel of the same issue) help to explain both the tilt of public opinion in Bush's favor as well as the closeness of the vote. Opinion about the war on terror consistently favored President Bush's reelection. A Gallup poll in late August (23–25) found Bush to be favored over Kerry in handling terrorism by a margin of 54 to 37 percent. The exit polls similarly found that Bush was more trusted to handle terrorism by a margin of 58 to 40 percent. NES data indicate that voters approved of Bush's handling of the war on terror by a margin of 55 to 45 percent. When asked which party would do a better job in handling the war on terror, voters favored the Republicans over the Democrats by a margin of 45 to 27 percent (with 27 percent saying that they thought both parties would handle it about equally well). The war on terror, along with the fact that Bush's general political perspectives were viewed by more voters as being more ideologically acceptable than Kerry's, were decided advantages for President Bush before and throughout the campaign.[19]

[18] This is from NES data. The exact figures are that 89 percent of Democrats voted for Kerry and 92 percent of Republicans voted for Bush.

[19] Gallup, "Political Ideology," accessed on the website of The Gallup Organization at http://www.gallup.com/, 4 November 2004.

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Opinion on the war in Iraq was more evenly divided. Gallup in late August found that Bush was favored in handling "the situation in Iraq" by a margin of 49 to 43 percent.[20] Similarly, the exit polls showed that Bush's decision to go to war in Iraq was supported by a margin among voters of 51 to 45 percent. On the other hand, only 44 percent of voters in the NES approved of Bush's handling of the war, and 59 percent said that they thought the war was not worth the cost.[21] This division of the public over Iraq and the slight lead that Kerry had over Bush on a number of domestic issues (the economy, healthcare, social security, the environment) of lesser salience in 2004 partially offset the advantages that Bush held on the terrorism issue and on his more conservative political perspective—but only partially.

Beyond the issues of the war on terror and the war in Iraq, the nominating conventions may have also contributed to Bush's slight lead entering the fall campaign. Conventions provide candidates an opportunity to reunite their party after intra-party conflicts over nominations and to set forth their message for why the larger audience of the general electorate should vote for them. As a consequence of the party holding the national "floor" for a week during its convention, the candidate typically emerges with an increased amount of support in the polls, a convention "bump." Candidates received positive convention bumps in eighteen of the twenty national conventions between 1964 and 2000.[22] Only Lyndon Johnson, who was already sky-high in the polls in 1964, and George McGovern, who had a divisive convention in 1972, failed to receive convention bumps. The Democrats had even received a bump from their disastrous 1968 convention in Chicago. Typically, a candidate has received a bump of about 6 or 7 percentage points, and the out-party has averaged closer to a nine-point bump. Although the Republican convention in 2004 only bumped Bush's preferences up by about one point (according to registered voters in Gallup, and three or four points in other polls), Senator Kerry actually appeared to get no bump or to have lost ground during the Democratic convention. Although some polls showed a very slight bump for Kerry, the polls in general indicated a slight lead for Kerry before the conventions and a slight lead for Bush after them.[23]

[20] Gallup, "Importance and Candidate Performance," accessed on the website of The Gallup Organization at http://www.gallup.com/, 4 November 2004.

[21] See CNN, "Election Results: Exit Polls." accessed at http://www.cnn.com/ELECTION/2004/pages/results/states/US/P/00/epolls.0.html, 25 November 2004. This is the Edison-Mitofsky exit poll. Subsequent mentions of the exit poll are to this reference.

[22] Campbell, *The American Campaign*, 145–151.

[23] Although there is concern about relying on a single polling organization, James Stimson's pooled data on the preference polls corroborate the Gallup picture in this regard. See http://www.unc.edu/~jstimson/, accessed 14 November 2004. According to Stimson's pooled data, Kerry dropped from 51.8 percent in the 25 July pre-convention polls to 50.5 percent in the 30 July post-convention polls. Although the *Washington Post* poll showed a four-point gain for Kerry after the convention, the Pew Research Center and NBC/*Wall Street Journal* polls separately show essentially no change from before to after the Democratic convention, the Zogby poll showed about a one-point decline, the CBS poll showed less than a one-point gain, and the Fox News poll showed about a 1.5-point gain. See, Polling Report.com, "White House 2004: General Election," www.pollingreport.com/wh04gen.htm, 6 November 2004. With this variance, a real increase in Kerry's poll standing after the convention was possible, but

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Why did Senator Kerry receive either no bump or a very slight one from the Democratic convention? Party polarization may have limited poll movement.[24] According to NES data, 56 percent of voters indicated that they had decided whom they would vote for before the national conventions. In the fourteen elections for which data are available, only in the 1956 election rematch between Dwight Eisenhower and Adlai Stevenson had this many voters decided this early how they would vote.[25] Most Democrats were already strongly united behind Kerry before the convention. Once the Howard Dean campaign for the Democratic nomination imploded in Iowa, Democrats flocked to Kerry as the "anybody-but-Bush," unite-the-party candidate. Kerry also had announced his vice presidential selection of nomination rival Senator John Edwards several weeks before the convention and thus may have already received whatever bump he might have received before the convention took place.

Beyond these factors for Kerry's non-bump is the content of the Democratic Convention. The core message of the convention was about Senator Kerry's war record in Vietnam.[26] This was captured in Kerry's salute while reading the opening line of his nomination acceptance speech: "I'm John Kerry, and I'm reporting for duty." Although this message may have been meant to neutralize the foreign policy advantage of a Republican incumbent and dissuade voters from the view that Democrats were soft or irresponsible on foreign policy, it may also been a lost opportunity to present a compelling reason to voters to cast their ballots for Kerry over Bush. Voters may well have walked away from the Democratic Convention thinking that it was terrific that Kerry was a war hero over thirty years ago, but that this was not much of a reason to elect him president. The "Swift-Boat" ads run by veterans opposed to Kerry (particularly his Vietnam War protest activities) and challenges to accounts of his heroism, along with the controversy that surrounded the issue, made the decision to focus the convention on Kerry's Vietnam War record all the more questionable.[27]

The decision to make "Kerry as war hero" the convention's theme may also reflect the difficulty of finding a positive theme that could both energize and unite the party already united (but not fully so) around the negative theme of

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it is probably also safe to conclude that whatever increase might have occurred was small and probably smaller than the slight bump Bush received from the Republican convention. Both CBS and Zogby data separately indicated a four-point bump for Bush from the GOP convention, and the *Washington Post* poll showed a three-point gain.

[24] The declining coverage of conventions by the broadcast networks and the expansion of cable network entertainment alternatives to the conventions may also have diminished the magnitude of convention bumps.

[25] Campbell, *The American Campaign*, 8.

[26] See Evan Thomas and *Newsweek*'s Special Project Team, "The Inside Story: How Bush Did It," *Newsweek*, 15 November 2004, 80–81.

[27] According to *Newsweek*'s coverage of the campaign, this point had been made later in the campaign to Senator Kerry by former President Clinton. Clinton advised Senator Kerry in early September to "spend less time talking about Vietnam and more time engaging on Iraq." Thomas, "The Inside Story: How Bush Did It," 102.

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opposing President Bush—a constraint that is part of the natural advantage of incumbency. The Kerry bandwagon had been set in motion by the desire to get behind someone who could defeat Bush—not by a positive attraction of support to the candidate.[28] In the end, the exit polls showed as much: Bush received nearly 60 percent of the votes of those who said that they were voting *for* their candidate, while Kerry received 70 percent of the votes of those who said that they were voting *against* the opponent.[29] With opposition to Bush as the fuel running the Democratic engine, the positive war hero theme fell flat in attracting further support.

## The Pre-Campaign Economy

The second fundamental is the state of the economy leading into the election and, particularly, economic growth in the months immediately before the fall campaign. Economic growth is important to voters in a direct and tangible sense, but is also important to establishing the electorate's receptivity to the in-party (on non-economic issues as well as on economic matters). When the economy is doing well, voters look for reasons to continue the in-party's tenure. When it is not, they are more receptive to calls for ending that tenure. The election year economy is a good barometer of the mood that voters are likely to be in during the fall campaign.[30]

Despite much of the rhetoric of the campaign, the economy tilted in favor of President Bush's reelection in 2004. Although Democrats hammered on the lack of job creation and the slow recovery from the recession in the first years of the Bush term, the real economic growth in the last two years of the Bush term and in the election year itself should have been an asset for the Bush campaign.

Table 2 presents a comparison of broad-based objective and subjective economic indicators well before the fall campaign for 2004 and the previous three presidential elections. The table includes the annual growth rate in the gross domestic product for the two years leading into the campaign, the percentage of Gallup poll respondents in the spring of the election year who indicated that they thought the economy was in excellent or good shape, and (more broadly) the percentage of respondents who were satisfied "with the way things are going in the United States." The pattern of the three indicators is consistent across the years. Public satisfaction and recent economic growth were greater in 2000 than in either 1996 or 1992 and greater in 1996 than in 1992, and 2004 looks more like 1996 than either the boom leading into 2000 or the sluggish economy

[28] This is not to say that the Bush campaign and the Republican convention were without their share of negativity. Any witness to Democratic Senator Zell Miller's fiery condemnation at the Republican Convention of Senator Kerry's record can attest to this.

[29] CNN, "Election Results: Exit Polls," 25 November 2004.

[30] Campbell, *The American Campaign*, 126–139.

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TABLE 2

*Economic Conditions Leading into the Presidential Campaigns, 1992–2004*

| *Pre-Campaign Indicators of National Economy* | *Elections* | | | |
|---|---|---|---|---|
| | *1992* | *1996* | *2000* | *2004* |
| Average economic growth rate in previous two years (GDP through first quarter of the election year, annualized) | 0.8% | 2.9% | 4.2% | 3.5% |
| Rate economic conditions as excellent or good (April or May) | 12% | 30% | 66% | 29% |
| Satisfied with "the way things are going in the United States" (May) | 20% | 37% | 55% | 37% |

*Sources*: Gallup, "Economy (U.S.)" and "General Mood of the Country," accessed at http://www.gallup.com, 28 November 2004 and the U.S. Bureau of Economic Analysis, "Table 1.1.6. Real Gross Domestic Product, Chained Dollars," accessed at http://www.bea.gov, 28 November 2004. The economic conditions poll dates are 9–12 April 1992, 9–12 May 1996, 18–21 May 2000, and 2–4 May 2004. The satisfied with the way things are going poll dates are 7–10 May 1992, 9–12 May 1996, 18–21 May 2000, and 7–9 May 2004. The average economic growth rate in the GDP is the annual rate of growth in the "chained" GDP from the first quarter of the second year of the president's term to the first quarter of the fourth year of the term. The computation was half of [(GDP quarter 1 in year 4 − GDP quarter 1 in year 2)/GDP quarter in year 2].

leading into 1992. The circumstances leading into 1992 contributed to the defeat of President George H.W. Bush. The circumstances leading into 1996 contributed to President Bill Clinton's reelection, and it is commonly conceded that the circumstances of 2000 were advantageous for Al Gore. In short, an early reading of the economy before the 2004 election is that it should have been a political asset for President Bush.

The economy during the election year also favored President Bush. Table 3 provides some historical perspective on the election year economy, as measured by growth in the real GDP. Elections from 1948 to 2004 are ordered according to the extent of real GDP growth in the first half of the election year (January to June) and in the second quarter (April to June). The annualized data are from the U.S. Bureau of Economic Analysis.[31] Economic growth in both series is strongly correlated with the November vote (correlations of .51 and .60), but not as strongly associated with the vote as is either indicator of pre-campaign opinion. Each series is broken into three groups: those with growth rates in excess of 4 percent, those with growth between 2.5 and 4 percent, and those with growth rates lower than 2.5 percent. These may be thought

[31] U.S. Bureau of Economic Analysis, "Table 1.1.6. Real Gross Domestic Product, Chained Dollars," http://www.bea.gov, 28 November 2004.

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TABLE 3

*Election-Year Economies and the In-Party Vote, 1948–2004*

| *First Half Year GDP Growth* | | | *Second-Quarter GDP Growth* | | |
|---|---|---|---|---|---|
| *Year* | *GDP Growth (%)* | *In-Party Vote (Two-Party %)* | *Year* | *GDP Growth (%)* | *In-Party Vote (Two-Party %)* |
| 1972 | 8.4 | 61.8 | 1972 | 9.4 | 61.8 |
| 1968 | 7.6 | 49.8 | 1948 | 7.1 | 52.3 |
| 1984 | 7.4 | 59.2 | 1984 | 6.9 | 59.2 |
| 1964 | 6.9 | 61.3 | 1968 | 6.8 | 49.6 |
| 1948 | 6.8 | 52.3 | 2000 | 6.3 | 50.3 |
| 1976 | 6.0 | 49.0 | 1988 | 5.1 | 53.9 |
| | | | 1964 | 4.7 | 61.3 |
| 1992 | 4.0 | 46.5 | | | |
| *2004* | *3.9* | *51.2* | 1992 | 3.9 | 46.5 |
| 2000 | 3.7 | 50.3 | *2004* | 3.3 | *51.2* |
| 1988 | 3.5 | 53.9 | 1956 | 3.2 | 57.8 |
| 1960 | 3.4 | 49.9 | 1976 | 3.0 | 49.0 |
| 1996 | 2.9 | 54.7 | 1996 | 2.8 | 54.7 |
| 1952 | 2.2 | 44.6 | 1952 | 0.3 | 44.6 |
| 1956 | 0.6 | 57.8 | 1960 | −2.0 | 49.9 |
| 1980 | −3.4 | 44.7 | 1980 | −8.1 | 44.7 |

| In-Party | 2.5%− | 2.5 to 4% | 4%+ | 2.5%− | 2.5 to 4% | 4%+ |
|---|---|---|---|---|---|---|
| Won | 1 | 4 | 4 | 0 | 3 | 6 |
| Lost | 2 | 2 | 2 | 3 | 2 | 1 |
| Correlation with vote | | .51 | | | .60 | |

*Note*: Win and loss refer to achieving a majority of the popular two-party vote. The gross domestic product (GDP) economic data are annualized and obtained from the Bureau of Economic Analysis. Based on the bivariate linear regression, the estimated tipping point for 50 percent of the two-party vote is 1.60 percent growth in the first half of the year and only .33 percent in the second quarter.

of, respectively, as "great," "pretty good," and "not so good" economic conditions. In-party candidates who have run with growth rates over 4 percent have usually won, and the elections they have lost have been close. Hubert Humphrey, in 1968, and Gerald Ford, in 1976, ran with the economy growing at a rate of 6 percent or stronger in the first half of the election year, but narrowly lost their elections. These booms were not enough to save Humphrey from the splintering of his division-wracked party, nor could they save Ford from the fallout from Watergate and his pardon of President Nixon. At the other end of the spectrum, candidates running with sub-2.5 percent economies have usually lost. The only candidate to survive this pattern was Eisenhower, in 1956, and the economy that year was rebounding by the second quarter.

By either measure, the economy in the months leading up to the campaign was "pretty good." It ranks eighth or ninth of the fifteen election years. This is at or close to the median case in this period, and the median election year economy has generally been strong enough to help elect the in-party candidate. That said, it is interesting to observe the limits to the effects of the election year econ-

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omy. Although economic growth in the first part of 2004 was stronger than it had been when Bill Clinton was reelected in 1996, it was not quite as strong as it had been in 1992, when the president's father was defeated by Clinton. The elder Bush did not lose because of the election year economy. The damage had been done earlier and is reflected in the economic numbers in Table 2 and the poll numbers in Table 1.

The limits of economic effects also could be observed in the issue polls conducted during the campaign. Despite objective economic indicators tilting a bit in President Bush's favor, the economy as an issue worked to Senator Kerry's advantage. In five separate polls conducted in October by Gallup, respondents favored Kerry over Bush in dealing with the economy by an average margin of 51 to 44 percent.[32] Eight polls by ABC News conducted in October also indicated that Kerry held, on average, a 48 to 46 percent advantage over Bush regarding who likely voters thought would do a better job of handling the economy.[33] *The Los Angeles Times* exit poll found that nearly half of Kerry voters said that the economy was the most important problem, whereas fewer than one in five Bush voters had the economy at the top of their concerns.[34] The exit polls indicated that Kerry received 80 percent of the votes of those who thought that the economy (and jobs) was the most important issue in the election.[35] Finally, although Bush had a general job approval rating of 52 percent of reported voters in the NES, only 44 percent of them indicated that they approved of his handling of the economy.

Why did the economy as an issue favor Kerry when the broad-based economic measures indicated that it should have helped Bush? The answer may be that the Bush campaign decided early on that the strongest message for the president's reelection concerned his leadership in the war against terrorism. Nearly half of the issue content of his speeches concerned terrorism or Iraq.[36] With Bush staying on the antiterrorism message, Kerry was allowed to frame the economic issue as a jobs loss issue, the terms most favorable to Kerry. Once Kerry (aided by media reports emphasizing negative news about the economy) framed the economic issue as a jobs loss issue, President Bush was on the defensive.[37] According to data reported by Paul Abramson, John Aldrich, and David

[32] Gallup, "Importance and Candidate Performance," accessed on the website of The Gallup Organization at http://www.gallup.com/, 4 November 2004.

[33] ABC News. "Poll: Campaign '04 Closes With a One-Point Race," Campaign Tracking #26, accessed at http://abcnews.go.com/Politics/Vote2004/, 31 October 2004.

[34] PollingReport.com. "Exit Poll: Los Angeles Times exit poll," accessed at http://www.pollingreport.com/2004.htm#Exit, 26 November 2004.

[35] One-fifth of all voters, according to the exit poll, rated the economy as their top concern. There is also some evidence that the economy did not favor Kerry. The exit polls indicated that more voters said that they trusted Bush to handle the economy (49 percent) than Kerry (45 percent). Nevertheless, the bulk of the evidence suggests that the economy as an issue cut in Kerry's favor.

[36] Paul R. Abramson, John H. Aldrich, and David W. Rohde, "The 2004 Presidential Election: The Emergence of a Permanent Majority?" *Political Science Quarterly* 20 (Spring 2005): 33–57.

[37] Thomas M. Holbrook, "Good News for Bush? Economic News, Personal Finances, and the 2004 Presidential Election," *PS: Political Science and Politics* 37 (October 2004): 759–761.

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Rohde, the economy was the subject of less than 30 percent of the issue content of Bush's campaign speeches, but nearly 40 percent that of Kerry's campaign speeches.[38] So despite respectable (albeit not glowing) economic numbers, the economy as an issue was owned by Kerry in this election. As an issue, the economy was expendable to the Bush campaign because it could be largely neutralized and ultimately trumped by the terrorism issue.

## Incumbency and the Party Term

The third fundamental is incumbency, both personal and party term.[39] The advantages of personal presidential incumbency, from the risk aversion of voters to agenda-setting to the "Rose Garden" strategy to greater intraparty unity are well established. As the failed campaigns of Presidents Gerald Ford, Jimmy Carter, and George H.W. Bush demonstrate, these advantages are no guarantee of reelection. Nevertheless, incumbency is a substantial asset. Since 1868, there have been seventeen elected incumbents who sought reelection, and eleven (65 percent) were successful. Four of the five incumbents who reached the office by succession and then stood for election during this period were successful. Only Gerald Ford fell short and then only barely so. Presidents as candidates are rarely trounced at the polls.[40] Even President Carter, who ran with a foreign policy debacle, a terrible economy, and a divided party, garnered about 45 percent of the vote. Incumbents simply seeking a second term for their party in the White House are especially advantaged.[41] Whether it is their greater party unity or the ability to be viewed simultaneously as both an experienced Washington insider offering stability and a political newcomer/outsider pushing for change, incumbents seeking a second party term historically have an enviable track record.

Table 4 presents the track record on incumbency and party terms for the thirty-five presidential elections from 1868 to 2004. The elections are grouped into those in which the in-party candidate was not an incumbent, those in which the in-party candidate was an incumbent and was seeking to extend his party's tenure in the presidency beyond a second term, and those in which the in-party candidate was an incumbent seeking a second presidential term for his party. Both the win-loss records and the median votes tell the same story. Non-incumbent in-party candidates and incumbents seeking more than a second term for their party are at neither a competitive advantage or disadvantage. Their me-

[38] Abramson, Aldrich, and Rohde, "The 2004 Presidential Election," 40, 45.

[39] Campbell, *The American Campaign*, 101–125.

[40] Of the twenty-two incumbents who sought reelection between 1868 and 2004, only two (Taft and Hoover) lost in landslides. Nine nonincumbents during this period lost in landslides.

[41] See, Alan I. Abramowitz, "Bill and Al's Excellent Adventure: Forecasting the 1996 Presidential Election," and Helmut Norpoth, "Of Time and Candidates: A Forecast for 1996," both in James E. Campbell and James C. Garand, eds., *Before the Vote: Forecasting American National Elections* (Thousand Oaks, CA: Sage, 2000), 47–81.

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TABLE 4

*Incumbency, the Party Term and the Vote, 1868–2004*

| | *In-Party Nonincumbents* | *Incumbents Seeking beyond a Second Party Term* | *Incumbents Seeking a Second Party Term* |
|---|---|---|---|
| Median vote (%) | 49.9 | 52.3 | 54.7 |
| Won | 6 | 5 | 11 |
| Lost | 7 | 4 | 2 |

*Note*: $N = 35$. Win and loss refer to achieving a majority of the popular two-party vote. A regression analysis indicates that seeking more than a second term for a party costs the candidate 5.1 percent of the two-party vote ($p < .02$, one-tailed). The expected vote of seeking a second term is 55.0 percent and the expected vote of seeking more than a second term is 49.9 percent. Since 1948, the median vote percentages are 49.9 ($N = 5$) for nonincumbents, 48.9 ($N = 3$) for incumbents seeking more than a second party term, and 57.8 ($N = 7$) for incumbents seeking a second party term.

dian votes and win-loss records are nearly fifty-fifty. Incumbents seeking a second term for their party, however, have a considerable advantage. Of the thirteen cases that fit this description since 1868, the incumbent won on all but two occasions.[42] Their median two-party vote is nearly 55 percent. The median vote for these incumbents since 1948 is a remarkable 57.8 percent. Eisenhower in 1956, Johnson in 1964, Nixon in 1972, and Ronald Reagan in 1984 were all second party term incumbents who won in landslides or near-landslides. Clinton, in 1996, won with a fairly safe margin. Carter, in 1980, is the outlier.

As an incumbent seeking a second party term for the Republicans, President Bush enjoyed a considerable advantage—but why didn't he receive the large vote majority of most previous second party term presidents? One reason is polarization. With the nation as polarized as it was, Democrats were more united than an out-party would normally be opposing a first party term president. Many Democrats loathed President Bush. Perhaps the most tangible evidence of this is the speed with which Democrats abandoned nomination front-runner Howard Dean for Senator Kerry (but some bumper stickers could also be produced as evidence). Which Democrat received the nomination was not as important to these voters as nominating someone who could defeat President Bush. Poll after poll following the Iowa caucus indicated that Kerry was the runaway choice of those Democrats deciding how to vote in the primaries and caucuses based on the candidate's ability to win in November.[43] Normally, a party out of the White House for just four years would still be engaged in internal struggles for control of the party.[44] They might even think that the election

[42] The two incumbents seeking a second party term who lost were Benjamin Harrison, who lost to Grover Cleveland in 1892, and Jimmy Carter, who lost to Ronald Reagan in 1980.

[43] Gallup, "Seen as Best Candidate to Beat Bush, Kerry Poised for N.H. Victory," accessed at the website of The Gallup Organization at http://www.gallup.com/, 26 January 2004.

[44] Elsewhere, I have presented evidence of greater early internal party unity for incumbents, especially those seeking a second party term. See James E. Campbell, "Nomination Politics, Party Unity, and Presidential Elections" in James P. Pfiffner and Roger H. Davidson, eds., *Understanding the Presi-*

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of the opposition had been a fluke, a one-termer, who could be easily beaten in the next contest. This is not so clearly the case with polarized politics.

A second reason for the close election of a second party term incumbent was the war in Iraq. Although the president received high marks from voters for his decisiveness and strength of leadership, the war in Iraq (both concern about it and opposition to it) made the election closer than it might have been otherwise. Although voters in various pre-election polls and the exit polls favored Bush over Kerry on the war against terrorism, they were more evenly divided about Iraq. In the October Gallup polls, Bush was favored over Kerry on the war against terrorism by an average margin of 56 to 40 percent.[45] Among exit poll respondents who said that terrorism was the most important issue, Bush won 86 percent of the votes. Regarding the war in Iraq, on the other hand, Bush's lead over Kerry in the October Gallup polls was a more narrow 51 to 46 percent margin. In the exit polls, among the 52 percent who thought that "things were going badly for the U.S. in Iraq," Kerry received 82 percent of the votes. Kerry might have done even better on this issue if his position on it had been less nuanced and more stable. As it stood, Kerry won the votes almost by default of those of various stripes who were dissatisfied with Bush's Iraq policy and simply favored an "anybody-but-Bush" Democrat.

## Campaign Effects: The Debates and Turnout

Although the campaign left the race pretty much where it had begun, it had its definite ups and downs for the candidates.[46] The Kerry campaign experienced the upside with the three presidential debates. This was negated, in large part, by the tremendous surge in turnout that defied the conventional wisdom that high-turnout elections help the Democrats. The huge increase in turnout, on balance, and quite to the contrary of conventional wisdom, boosted the Republican vote.

Throughout September, President Bush held a small but steady lead in the polls over Senator Kerry. This all changed with the three presidential debates. As Table 5 demonstrates, at the end of September, Bush led Kerry by 54 to 46 percent among registered voters in the Gallup poll.[47] About two weeks later, a few days after the third debate, the Bush lead over Kerry had been reduced to

*dency, Third Edition, 2004 Election Season Update* (New York: Pearson Longman 2005), 71–84. Although there were early outward signs of Democratic Party unity behind Kerry in 2004, NES data indicate that Republicans outnumbered Democrats among early-deciding voters and that although early-deciding Democrats were united (94 percent voting for Kerry), early-deciding Republicans were even more so (97 percent voting for Bush).

[45] Gallup, "Importance and Candidate Performance," 4 November 2004.

[46] The largest systematic effect of campaigns is the result of intense and balanced competition (Campbell, *The American Campaign*). This makes presidential elections closer than they appeared at the outset. Because the 2004 race was close from the beginning, the effect of competition was slight, but still helps to explain the narrowness of the Bush majority.

[47] Gallup, "Trial Heat," 5 November 2004.

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TABLE 5

*The Campaign Effects of the 2004 Presidential Debates*

| | *Who Did the Better Job in the Debate?* | | *Was Your Opinion of the Candidate More Favorable After Debate?* | | *Candidate Preference* | |
|---|---|---|---|---|---|---|
| | *Bush* | *Kerry* | *Bush* | *Kerry* | *Bush* | *Kerry* |
| First debate (30 September) | 37 | 53 | 21 | 46 | 54.1 | 45.9 |
| Second debate (6–8 October) | 45 | 47 | 31 | 38 | 52.1 | 47.9 |
| Third debate (11–13 October) | 39 | 52 | 27 | 42 | 48.9 | 51.9 |
| Post-debates (14–16 October) | | | | | 51.3 | 48.7 |
| Net change (from pre- to post-debates) | | | | | −2.8 Bush | |

*Note*: The data are from Gallup polls conducted on the indicated dates. The numbers are percentages. The "better job" question was: "Regardless of which candidate you happen to support, who do you think did the better job in the debate?" The "more favorable" question was: "How has your opinion of [candidate] been affected by the debate? Is your opinion of [candidate]—More favorable, Less favorable, or Has it not changed much?"

51 to 49 percent. *Time* polls had Bush slipping from 52.2 percent of two-party support before the debates to a tie with Kerry after the debates, and *The Los Angeles Times* polls had nearly identical numbers.[48] A compilation of polls of registered voters in the four days before the first debate had Bush with a 53 to 47 percent lead over Kerry. A similar compilation of polls in the four days after the debate had Bush leading Kerry by 51.8 to 48.2 percent, a decline of 1.2 points.[49]

In each of the three debates, Gallup respondents were much more likely to say that their views of Kerry had become more favorable than their views of Bush.[50] The biggest difference was in the first debate, in which respondents were more than twice as likely to have been impressed by Kerry than Bush. Although much of this effect was probably ephemeral, some of this effect may have survived to the election. Kerry had established his credibility with many voters. Kerry lagged behind Bush before the debates, but the race was tight in the weeks that followed. Although their effects are more difficult to track, the fact that Democratic-oriented "527" groups in the campaign were outspending Republican-oriented groups by almost four to one ($321 million to $84 million) probably also helped to tighten the race.[51]

The debates and the campaign surrounding them rejuvenated the Kerry campaign, but the second major campaign effect largely offset this and also

[48] PollingReport.com, "White House 2004," 14 November 2004.

[49] Ibid.

[50] Gallup, "Kerry Wins Debate," 1 October 2004, "Standoff in Second Debate," 9 October 2004, and "Kerry Wins Third Debate," 18 October 2004, accessed on the website of The Gallup Organization at http://www.gallup.com/.

[51] Steve Weissman and Ruth Hassan, "BCRA and 527 Groups" in Michael J. Malbin, ed., *The Election after Reform: Money, Politics and the Bipartisan Campaign Reform Act* (Lanham, MD: Rowman and Littlefield, forthcoming).

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took many by surprise. Most of the final polls and projections in the final day or two before Election Day expected a closer popular vote than the final count reflected. Thirteen of sixteen final polls and projections expected Bush to receive a smaller vote than he actually received.[52] The median projection was about three-quarters of a point lower than Bush's actual vote share. Part of this shortfall can be traced to the pollsters' reliance on the "incumbency rule," that those undecided in the last days of the campaign split heavily against the incumbent. This rule, however, does not seem applicable to presidential contests, because both candidates are so well known. Very late deciders are more likely to split evenly, with a tilt toward their party's candidate.[53]

Final polls and projections may also have underestimated the Bush vote because they did not anticipate Republicans receiving a boost from the election's unusually high turnout. The belief that Democrats routinely benefit from high turnout has managed to survive evidence to the contrary. The conventional wisdom that Democrats are helped by high turnout is based on the well-established relationships between sociodemographic factors, partisanship, and turnout. However, what is most important about nonvoters is not that they are sociodemographically similar to voting Democrats, but that they are politically distinct from either voting Democrats or voting Republicans. For instance, NES data indicate that among nonvoters with a preference in 2004, Bush was preferred to Kerry (51.2 percent to 47.6 percent). Moreover, there are not simply two kinds of potential voters (voters and nonvoters) but at least three (voters, nonvoters who might conceivably vote, and those who could not be dragged to the polls), and the usual nonvoters who could be mobilized may not look as much like would-be Democrats as the hard-core nonvoters.

Although both Bush and Kerry added voters to their parties' columns compared to the 2000 election, the increase in turnout in 2004, on balance, helped Bush and hurt Kerry. Table 6 presents the evidence. Because there is some debate about how turnout is best measured, I calculated two different measures of turnout change in the states from the 2000 election to 2004. The first is the difference in the traditional turnout rates (the number of voters divided by the voting age population in each year). The second is the increase in the number voting in a state as a percentage of those who had voted in 2000. The growth in turnout, measured in these two different ways, is explained by the closeness of the election in the state and the percentage of the state vote cast for President Bush. By both measures of turnout change, turnout increased more if the state

[52] PollingReport.com, "White House 2004," 14 November 2004.

[53] James E. Campbell, "Presidential Election Campaigns and Partisanship" in Jeffrey E. Cohen, Richard Fleisher, and Paul Kantor, eds., *American Political Parties: Decline or Resurgence?* (Washington, DC: CQ Press, 2001), 11–29. The exit poll and NES data are at odds over who was favored by very-late-deciding voters. The exit poll indicates that the 11 percent of voters deciding in the last week to Election Day divided about 54 to 46 percent in favor of Kerry. The NES data indicate that those deciding in the last week or on Election Day (codes 9 and 10 of the time-of-decision question) split about 58 to 42 percent in favor of Bush.

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TABLE 6

*Explaining Turnout Change in the States from 2000 to 2004*

| | *Dependent Variable: State Turnout Change from 2000 to 2004* | |
|---|---|---|
| *Independent variables* | *Change in Turnout Rates (1.)* | *Change in Total Turnout as a % of Prior Turnout (2.)* |
| Bush vote percentage in 2004 (two-party vote) | .34* (6.29) | .46* (3.99) |
| Closeness of the vote (negative of absolute vote margin) | .43* (5.24) | .81* (4.57) |
| Constant | −11.64 | −2.62 |
| Adjusted $R^2$ | .45 | .30 |
| Standard error | 2.44 | 5.21 |

*Note*: $N = 50$. * $p < 0.01$. In equation 1, the dependent variable is the state's turnout rate in 2004 as a percentage of its voting age population minus the same rate in 2000. In equation 2, the dependent variable is the difference between the total vote in the state in 2004 and 2000 as a percentage of the state's total vote in 2000. Closeness of the vote in the state is the negative of the absolute difference between the Bush two-party vote and 50 percent. The correlation between the two turnout change measures is .51. Because the District of Columbia was identified as an influence point in an initial analysis and is also an obvious outlier in its vote, it is excluded from the analysis.

was a battleground, closely fought state. Turnout also increased more in states in which Bush won a larger share of the vote.[54] President Bush carried each of the top nine states to register the largest turnout increases by the proportional measure and twelve of the top fifteen to see the greatest gains by the traditional voting-age population measure.

Why did President Bush benefit from high turnout? Contrary to speculation in the aftermath of the election, the gay marriage referenda on the ballots in eleven states apparently had nothing to do with this. After considering the Bush appeal in a state and the closeness of the presidential contest in the state, whether a state had a gay marriage referendum on the ballot made no difference to turnout change. The carefully coordinated Republican GOTV effort may have boosted turnout to President Bush's advantage; but perhaps more importantly, high turnout may have favored the president because marginal voters were more likely to be energized by the positive messages of voting for Bush than the negative messages for voting against him.[55] Whatever the cause,

[54] One might expect that the Bush vote share would be the dependent variable, affected by turnout levels. However, the Bush vote share here is regarded as a surrogate for the effort and appeal of Bush in a state, a condition potentially affecting turnout. The analysis indicates that with the closeness of states held constant, those in which Bush exerted a greater appeal were likely to experience greater gains in turnout than those in which Kerry exerted a greater appeal.

[55] See Jonathan Tilove, "Cutting-edge Mobilization May Have Won the Day for Bush," Newhouse News Service, accessed at http://www.newhousenews.com/archive/tilove112604.html, 25 November 2004. On the other hand, there were more potential voters in the NES reporting that they were contacted by the Democrats than by the Republicans and a larger portion of those contacted by the Democrats reported that they turned out to vote.

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Republicans were mobilized. The percentage of voters identifying themselves as Republicans (leaners included) increased by 2.1 percentage points over 2000, whereas the percentage identifying themselves as Democrats (including leaners) and Independents dropped by .4 and 1.7 percentage points, respectively. Moreover, for the first time in the over fifty-year history of the NES, strong Republicans comprised more than one-fifth of all voters and (also for the first time in at least fifty years) they outnumbered strong Democrats. Among voters, 21 percent identified themselves as strong Republicans and 19 percent identified themselves as strong Democrats. The 2004 election took the conventional wisdom that high turnout helps Democrats, shook it by its heels, and stood it on its head.

## THE MORAL OF THE STORY

The fundamentals in the 2004 election established a setting somewhat favorable to the reelection of President Bush, and the net effect of the campaign did not alter this much. The public was predisposed, if only slightly, toward President Bush's reelection. The economy was favorable, again, if only slightly. And the fact that the president was seeking a second term for the Republicans after the eight years of the Clinton presidency also favored his reelection. Partially offsetting these Bush advantages were the divisions over the war in Iraq and the vehemence with which Democrats wanted Bush out of office. These conditions made the election a close one.

In the end, with considerations of how polarization and the Iraq war made the election tighter, the election turned out not much different than one would have expected if one looked at the match-up from a longer perspective: an election between a sitting conservative Republican president from the south against a northern liberal Senator. Figure 1 tells the story. It plots an index of ideological acceptability over three Gallup polls conducted in early August, early September (the kickoff of the general election campaign), and mid-October.[56] The index is the percentage of respondents who thought that the political views of the candidates were just about right or maybe not far enough removed from the other party. Was Senator Kerry too liberal for voters or was President Bush too conservative? The answer about what voters thought is clear: more thought that Senator Kerry was too liberal than thought that President Bush was too conservative.[57] In the August Gallup poll, half of the respondents thought that

[56] Gallup, "Political Ideology," accessed at the website of The Gallup Organization at http://www.gallup.com/, 4 November 2004.

[57] About 12 to 14 percent found Bush to be too liberal for their tastes. Only 8 or 9 percent found Kerry to be too conservative. A proximity index using self-placement and perceptions of the candidates' ideologies in NES data (both adjusted so that the "slight" liberal and conservative positions were coded as liberals and conservatives, much as leaners are coded as partisans in the party identification scale) finds Bush to be the more ideologically proximate candidate to 47.4 percent of voters, while Kerry was closer to 39.6 percent and the candidates were equally close to 13.2 percent.

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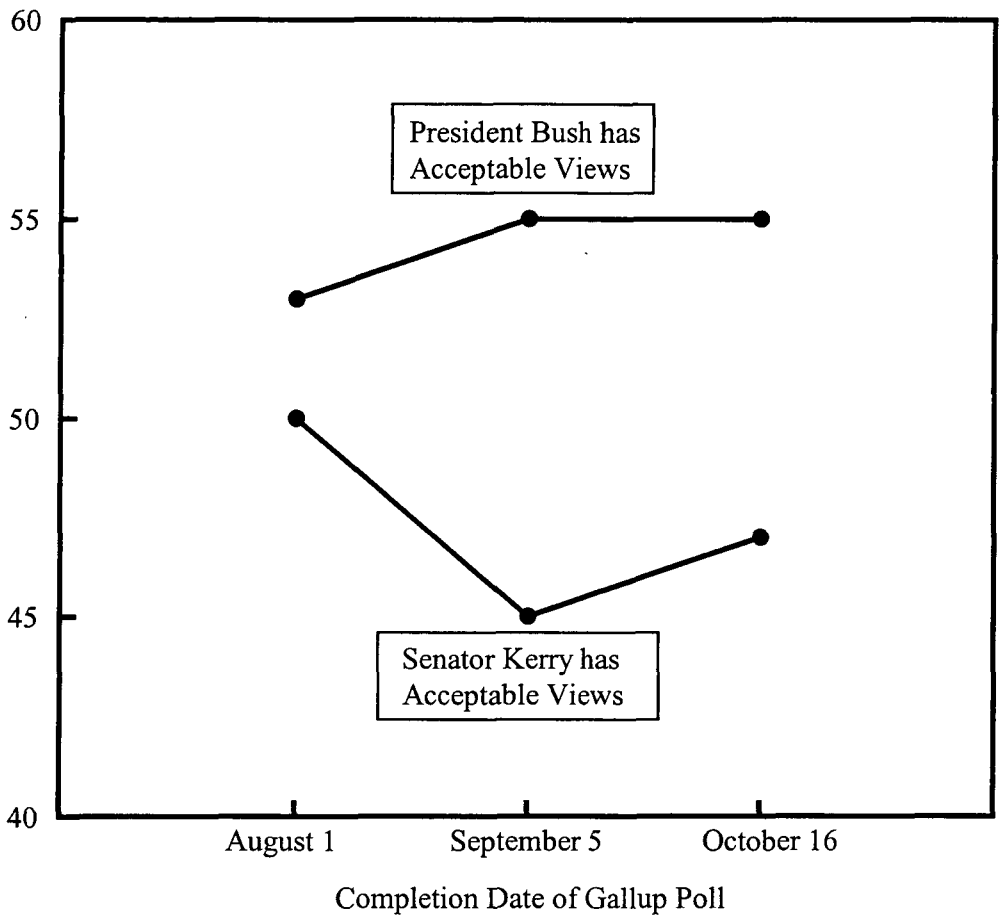
FIGURE 1
*Acceptability of President Bush's and Senator Kerry's Political Ideologies*




*Note*: Acceptability Ideology Index. The data are from Gallup Polls. Acceptable ideology is calculated with reference to each candidate's ideological position. For President Bush, it is the percentage of respondents who said that his political views were "about right" or "too liberal." For Senator Kerry, it is the percentage of respondents who said that his views were "about right" or "too conservative."

Kerry's political views were about right or even too conservative, but 44 percent thought that they were too liberal. In the same poll, 53 percent thought President Bush's views were about right or even too liberal and 41 percent thought that they were too conservative. In the September and October polls, more respondents found Senator Kerry's views to be unacceptably liberal than found them to be acceptably mainstream or conservative. In contrast, in each of the surveys, between 53 and 55 percent found President Bush's views to be acceptable and only 40 or 41 percent thought them too conservative. The ideological acceptability gap ranged from three points to ten points, but at all times

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favored President Bush. In short, the results of 2004 would appear to once again confirm the conventional wisdom that Northern Democratic liberals (Hubert Humphrey, George McGovern, Walter Mondale, Michael Dukakis, and now John Kerry) are too far out of sync with the views of America's median voter to be elected president.

Although there is no doubt that voters mean different things when they respond to the liberal and conservative labels, there is also no doubt that there is meaning there. In five September and October Gallup polls, respondents consistently named President Bush more often as the candidate who "shares your values." Although the margins were slightly smaller than on the ideology question (+2 to +5 Bush), the gap was consistent. The exit polls also indicated that while Kerry received 85 percent of the liberal vote, Bush received 84 percent of the conservative vote. The difference is that conservatives greatly outnumber liberals. In both the exit polls and the NES (for reported voters) the ratio was eight conservatives for every five liberals.

In the aftermath of the 2004 vote, analysts expressed surprise at responses to "the most important issue" question: more voters mentioned "moral values" as the most important issue than mentioned terrorism, or Iraq, or the economy. In the exit poll, 22 percent mentioned "moral values" as their greatest concern, and Bush received four out of five of these votes. Some interpreted this as an outpouring of the evangelical vote. Undoubtedly this was a portion of the vote. Bush won 78 percent of the votes of those who said that they were evangelicals or born-again. The surge in turnout is more accurately interpreted as a broader phenomenon of a mobilized conservative base rallying to the side of a conservative president conducting a war and under siege—from the harsh attacks of the opposing party and allied critics (both at home and overseas). Together with a share of moderates, they constituted the reelection majority. However, although he received 91 percent of the votes of exit poll respondents who said that "religious faith" was the most important quality in a candidate, only 8 percent of respondents named this quality as most important. Although incumbency played a role in Bush's reelection, there was more substance to it than that alone would suggest. A slim majority of voters, but at any rate a majority, preferred the perspective on leadership that President Bush brought to the presidency to that offered by Senator Kerry.

For Democrats, the 2004 election brought bad and perhaps worse news. President Bush, a president for whom many Democrats had developed a visceral distaste, was reelected with a popular vote majority. This was the bad news for Democrats. The potentially worse news for them is that the election was close. The fact that Senator Kerry came as close to defeating President Bush as he did may convince Democrats that there is no compelling reason to moderate their perspectives to bring them more into line with the median American voter. Some in the party continue to believe that the problem is not with excesses in the party's liberal philosophy, but with its candidates, tactics, public relations, or even with Republican shenanigans at the polls.

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This may well be whistling past the political graveyard. The election was close because of party polarization, and that looks to be here to stay, but also because some of the fundamentals were less tilted in the Republicans' favor than they might have been and, in several respects, this particular campaign developed favorably for Democrats. Beyond party polarization, the election was close because pre-campaign public support for Bush was dampened by divisions over the war in Iraq. Developments during the campaign also kept the election close—the strategic considerations that allowed Senator Kerry to benefit from the economic issue, Kerry's stronger performance in the debates, the Democrats' money advantage from the 527 groups, the mobilization of Democrats partially offsetting the Republican turnout surge, and the anemic showing by Ralph Nader. These conditions helped Democrats in 2004, but may not be factors in future contests. Moreover, even with these campaign developments favorable to the Democrats, Republicans won the election with a popular vote majority while adding to their majorities in both the House and the Senate. The silver linings to the 2004 clouds hovering over Democrats is that their candidate in 2008 will not face President Bush, that it is unknown whether the Republicans can replicate their turnout surge of 2004, and that the Republicans will be seeking a third consecutive party term—at least initially placing the parties on a more level playing field.*

* This article is a greatly expanded and revised version of an article that appeared in the electronic journal *The Forum*.

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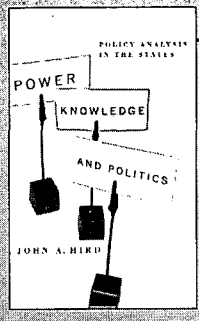


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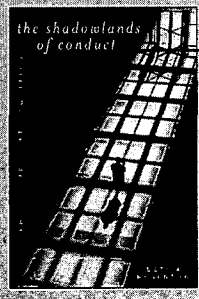


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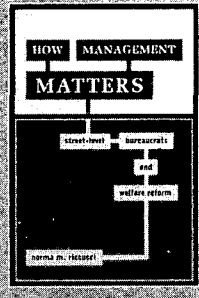


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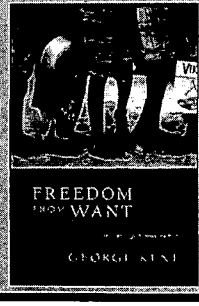


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# The HBV and HCV Pandemics: Health, Political, and Security Challenges

ALBERT B. KNAPP

Hepatitis B (HBV) and hepatitis C (HCV) infect nearly 2 billion people worldwide, but only recently have health officials in the developed world begun to recognize them as a serious health, political, and security challenge. If left unaddressed, by the end of the decade, these viruses could pose a greater danger than the HIV epidemic, not only as a public health problem, but for the alarming political and security threats they present.

Although HBV and HCV are two very different viral entities, both can result in chronic liver infection with eventual progression to cirrhosis, liver cancer, and death. HBV and HCV are found worldwide, with the highest number of cases clustered in sub-Saharan Africa, Egypt, and East Asia. Therapy has improved dramatically during the past thirty years, but both cure and worldwide eradication remain elusive goals. I will briefly review the distinctive pathophysiology of both HBV and HCV before addressing the public health, political, and security implications of these two pandemics.

## Hepatitis B Virus

HBV is a large and complex DNA-based virus first identified in 1967.[1] More than 1.5 billion people are believed to be infected worldwide, and the highest

[1] Those who have a scientific background may wish to refer to the excellent review article focusing on the molecular biology of HBV by Donald Ganem and Alfred M. Prince, "Hepatitis B Virus Infection—Natural History and Clinical Consequences," *New England Journal of Medicine* 350 (March 2004): 1118–1129.

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levels are in sub-Saharan Africa and East Asia, where infection rates of up to 20 percent are common. Viral spread can be either *vertical* (mother-to-child) or *horizontal* (early child-to-child contact or through risky sexual behavior). Infection from improperly sterilized intravenous needles (such as among IV drug users) and contaminated blood or blood products account for a smaller but important percentage of cases worldwide.

Most people infected with HBV show no symptoms of the disease. Ten to twenty percent of cases progress insidiously over a twenty- to thirty-year span, leading to cirrhosis, liver cancer, and, ultimately, death. Detection requires expensive individual blood-screening studies as well as vigilant monitoring of the nation's blood supply. Consequently, the likelihood that someone with the infection will be diagnosed and treated depends on both geography and socioeconomic status. Patients in developed countries with access to medical care usually are diagnosed earlier in the infectious cycle and are better candidates for costly but effective oral antiviral therapy. Those, however, in either underserved areas of the West or in the developing world usually get medical attention at a more advanced stage of the disease, by which time, even if available, antiviral therapy is less effective. At that point, treatment generally is palliative but, given the massive number of patients, even this is costly for those countries with meager healthcare infrastructures and budgets.

## Hepatitis C Virus

HCV is simpler in molecular design but far deadlier than HBV. It is a close cousin of both the dengue and yellow fever viruses. HCV initially was characterized in 1989.[2] As with HIV, the genetic material of HCV is RNA, and this results in a high degree of genetic instability, or mutability, rendering the virus not only more infective and adaptive but exceedingly difficult to treat. At least 250 million people worldwide are estimated to have contracted HCV. But, unlike HBV, the incidence of chronic infection with ineluctable cirrhosis, liver cancer, and death far exceeds 50 percent. HCV is spread horizontally, in most cases, through improperly sterilized needles used by IV drug users or as the result of a contaminated blood supply. Maternal transmission and sexual promiscuity are other important risk factors. Low socioeconomic status plays a role in the likelihood of infection, but experts don't quite understand the link.

On the basis of some very elegant epidemiological research, HCV is thought to have originated as a zoonotic (animal-to-human) mutation somewhere in the Pacific Theater during the Second World War. HCV insidiously infected large numbers of Japanese troops in China and Southeast Asia, and they eventually repatriated the virus. HCV reached the West in a circuitous fashion via infected French and American veterans of the Indochinese conflicts. Worldwide dissemination ensued from contamination of the blood supply in both Western Eu-

[2] For further in-depth details, please see G.M. Lauer and B.D. Walker, "Hepatitis C Virus Infection," *New England Journal of Medicine* 345 (July 2001): 41–52.

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rope and the United States, and from a surge in infected IV needles shared by drug users or, in the case of at least one country, by lax sanitary controls during a massive national vaccination program.

Unlike HBV, treatment for HCV is not only costly but also most unsatisfactory at any stage of the disease. Overall therapeutic success is reported at 60 percent, but this is misleading, because those patients with the most-common variant of HCV have response rates of only 40 percent. The economic impact of the disease is extraordinary. Antiviral treatment for one year can exceed $25,000 per person in the United States, but the actual cost is far higher due to both frequent drug side effects and co-morbidity issues. Patients who do not respond to treatment may require liver transplantation. In the West, HCV infection is currently the most common reason for such transplants. In fact, nearly 6,000 were done in the United States in 2004, at an individual price conservatively estimated at $150,000. This excludes the requisite lifetime cost of the expensive, but mandatory, immunosuppressive drug therapy and specialized medical care that all transplant recipients must receive.

Meanwhile, drug therapy and surgery are simply out of reach for most people in the developing world because of costs and lack of sophisticated medical support. Consequently, in underdeveloped nations, the average patient receives basic palliative therapy, languishes, wastes away, and dies.

## Public Health Challenges

HBV and HCV present important challenges for the world healthcare establishment in detection, therapy, and containment strategies. Overall success varies from nation to nation, depending on the underlying quality and sophistication of a particular state's medical infrastructure as well as its ability and political will to commit vast sums of money to combating the virus. Let us review each of the key challenges for fighting these infections.

### *Detection*

Detection is based on blood screening. Given that both HBV and HCV are clinically undetectable for a major part of their destructive cycles, universal screening of all citizens, and especially of the blood supply, is the ultimate approach. However, realistically, only a small percentage of a nation's population is likely to be effectively screened—even in the most motivated and sophisticated of societies. Therefore, public health planners have refined their strategy toward screening of all "high risk" individuals, but even so, their success in detecting the virus is limited. In the United States, officials estimate that they have identified only about 50 percent of those who have HCV, despite an aggressive national healthcare campaign. On the other hand, public health officials have succeeded brilliantly in detecting and eliminating both viruses from the blood supply in the developed world. What is more, despite the prohibitive cost of the viral detection kits, some inroads have been made in ensuring the safety of blood supplies in developing countries, also.

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### *Treatment*

Treatment strategies vary between the West and developing nations. Earlier viral detection in developed countries means that patients get treatment at an earlier stage of the infection, with good success at curing HBV and improving results in treating HCV. The story in the underdeveloped world is starkly different; typically, the average infected patient seeks treatment in the later and more debilitating stages of either disease. Successful outcomes are rare, and the cost of even simple supportive care is relatively quite high and strains already-limited healthcare budgets. In reaction, many poorer nations, encouraged by tactics learned during the HIV struggle, have begun to demand significant discounts, rebates, or frank allocations of medications from the major manufacturers, while requesting increases in dedicated foreign financial aid to combat the viruses. In addition, several Western and non-Western pharmaceutical concerns have begun to develop cheaper antiviral medications based on chemical synthetic processes with lower research and development costs.

### *Containment Strategies*

Containment strategies of different degrees of efficacy and expense have been developed for both the West and the developed world. These include encouragement of universal condom use and prophylactic HBV vaccination. Condoms have gained broader social acceptance during the past two decades as an effective means of preventing the spread of HIV. Condoms also have been shown to help seriously curtail HBV transmission in several large epidemiological studies of gay men in New York City. We suspect that condom use should have a similarly salutary effect on curbing HCV transmission. But because sexual spread is a secondary route for this virus, the anticipated decrease may be minor.

Vaccination indeed represents the optimal containment strategy and has been the most effective tool in eradicating other communicable diseases worldwide. Dr. Edward Jenner pioneered this technique in England at the end of the 18th century in an attempt to curb smallpox outbreaks. Vaccination, however, has several drawbacks: It is currently available only for HBV prevention (although an effective HCV vaccine is now in development and could be ready by the end of this decade). Furthermore, inadequately supervised vaccination programs using reusable but improperly sterilized needles or syringes may unintentionally lead to the massive spread of *other* communicable diseases.

HBV vaccination has become mandatory for young school children in the West since the early 1990s, after it was shown to dramatically decrease viral incidence. The ultimate example is Taiwan, where, following a ten-year mandatory vaccination program for all children, the measurable incidence of HBV plummeted from more than 10 percent to less than 1 percent in this cohort.[3] A

[3] For more details on this fascinating study, see M-H. Chang, C-J. Chen, M-S. Lai, et al., "Universal Hepatitis B Vaccination in Taiwan and the Incidence of Hepatocellular Carcinoma in Children," *New England Journal of Medicine* 336 (June 1997): 1855–1859.

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universal HBV vaccination program for children in the United States, underwritten and signed into law by then-President Bill Clinton in 1993, will probably rank as one of his most important legislative contributions. The only flaw in universal vaccination programs is that the present HBV vaccine is thought to have an effective life of only five to ten years and, therefore, must be supplemented by regular booster shots. Although logistically possible in preschool and high school populations, regular booster programs for adults present a logistical nightmare.

Meanwhile, developing countries have yet to benefit from this containment effort, because the vaccines are very expensive. Recently, several newer and less-costly alternatives have been developed with poorer nations in mind. Immunological relief for those countries may yet be in sight.

It bears noting, also, that vaccination programs are not risk free. If administered improperly, a large program, however well intentioned, can actually serve as a vector of transmission for *another* infectious agent. Such is the case in Egypt, a nation that presents a cautionary tale of good intentions and poor execution that produced disastrous results. The parasite *schistosomiasis*, endemic to the entire Nile River Valley and first described during the time of the Pharaohs, has been a major cause of debilitating liver and bladder disease in large numbers of villagers in both Egypt and the Sudan. From 1958 through 1982, the Egyptian government undertook a massive anti-schistosomal campaign to eradicate this scourge. Tragically, the reusable needles and syringes used in the public health effort were improperly decontaminated, and many of the vaccines became co-infected with HCV. Subsequently, HCV infection rates surged in the vaccinated group, making Egypt's infection rate the highest in the world: More than 20 percent of the Egyptian population has evidence of HCV infection. By comparison, in neighboring Sudan, which is just as hard hit by schistosomiasis but which did not pursue a campaign of mass vaccination, the rate of HCV is only 4 percent.[4]

## Political and Security Issues

There is no evidence that HBV and HCV have been used as weapons of bioterror. From the point of view of today's terrorists, neither HBV nor HCV would be considered as prime bioterror agents, given their relatively slow spread, the twenty- to thirty-year effective lag time before the appearance of significant symptoms, and the relative invulnerability of most nations' blood supplies. Nevertheless, if left untreated, HBV and HCV pose significant long-term social and financial threats to political stability. HBV, for example, has already brought disaster, despair, and chaos to large swaths of sub-Saharan Af-

[4] For a thorough review of this distressing topic, see C. Frank, M.K. Mohamed, G.T. Strickland, et al., "The Role of Parenteral Anti-schistosomal Therapy in the Spread of Hepatitis C Virus in Egypt," *Lancet* 355 (March 2000): 887–889.

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rica, where billions of dollars were diverted from critical economic development efforts to fight these pandemics. If not checked, HBV and HCV risk imperiling the entire African continent.

The West has successfully controlled both infections with only minimal financial, political, and security concerns. In contrast, the pandemics are likely to further enfeeble the economies of those nations least equipped to cope with the huge economic toll they could exact.

Individual citizens of any nation typically look to their governments to ensure their healthcare security. That security hinges on the ability of the state to protect its citizens from contracting either virus, either through preventive programs, such as HBV vaccination, a secure blood supply, and condom campaigns, or by aggressively treating the disease with antiviral medications and liver transplantation. The wealthier the state and the more sophisticated the healthcare system, the more its citizens expect of their public health programs.

To meet those expectations, governments are coming under increasing political pressure to redirect public spending into such preventive measures as education, research, and healthcare infrastructure. Such moves should include widespread HBV vaccination, condom usage, and safeguarding of the blood supply, because multiple epidemiological studies attest to their overall effectiveness and relative lack of expense. And, to a large degree, wealthier nations have done just that. In doing so, these societies have averted wholesale epidemics with the attendant societal and political disruption they threaten. Indeed, the eradication of both HBV and HCV from the Western world's blood supply is to date, among their greatest public health successes. In the United States, the chances of contracting either HBV or HCV from contaminated blood have fallen to 1:63,000 and 1:130,000, respectively. Although impressive, these results pale in comparison to HIV prevention, where the rate of accidental contraction is 1:493,000. Clearly, further work, in the sense of even more-sensitive HBV and HCV blood detection technology, is needed, and this should be driven by enlightened public policy. HBV vaccination and universal condom usage in the West have also been effective and must be encouraged and expanded.

But the prognosis for poorer nations, lacking both the financial base and medical infrastructure, in combating HBV and HCV is far less sanguine. These nations must make both prevention and containment strategies high priorities and summon the political will to raise public awareness of the diseases to the same degree they already have achieved in the HIV campaign. Implementing the same preventive measures already in place in the West is critical to the poorer states' future economic and political health. Failure to protect the population will result in skyrocketing rates of infection, with many of the same political and security repercussions many poorer nations already have suffered from the faster-acting HIV epidemic. As the pool of HBV-HCV–infected citizens widens, no segment of the population will be safe, with the disease spreading to include farmers and workers, as well as the middle and upper classes. With so many layers of society swept up by the pandemics, nations will be hobbled

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by an ever-worsening labor shortage, as well as a steady decline in individual worker productivity. Lower exports will trigger a loss of foreign currency, and foreign investment is likely to dry up as well. As a result, already economically vulnerable nations will see their economies deteriorate even more rapidly.

At the same time, widening infection rates among the ranks of the military, often the societal backbone of a developing nation, also exacerbate internal and international security concerns. The end result for the state is overwhelming poverty, social unrest, and dangerous political instability. In addition, poorer states will have to make the hard but realistic choice to forego expensive antiviral and transplantation treatments and concentrate on the basic preventive programs. Ultimately though, given the costs of these cheaper alternatives, it will still be up to the West and the large multinational pharmaceutical companies to develop and then donate cheaper antiviral therapies or their alternatives.

Besides the additional economic costs to the West, developed nations, particularly the United States, would face additional political and security challenges, including

- border control, to fend off possible carriers of the disease;
- unusual business, foreign policy, and economic development constraints in dealing with nations where infection rates are high;
- the exploding HCV crisis in the prison population;
- the controversial question of establishing a rational needle exchange program for IV drug users.

## Border Control

The relatively porous borders of our globalized society promote the spread of disease through tourism and migration. If the HBV-HCV pandemics expand, the United States and other developed countries may curtail or bar outright tourism or immigration from severely affected areas—with political friction here and abroad a likely consequence. Worse yet, if tourism drops off in nations hard hit by the viruses, it will bring them even more crippling economic disruption and worsening international relations.

## Foreign Policy Implications

The spread of these diseases also has troubling implications for future U.S. foreign policy. For example, for fear of exposing U.S. troops or government personnel to infection in endemic areas, the government may avoid involvement in certain regional conflicts or in peacekeeping endeavors. The Indochinese link to the spread of HCV to the West is a sobering reminder of the risk. In addition, businesses and multinational investors will be more likely to curtail their activities in disease hot spots, creating a catch-22 for these nations by further weakening their financial stability and depriving them of critical capital to help fund treatment and containment efforts.

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## HCV in U.S. Prisons

The HCV epidemic in the U.S. prison population has become both a significant domestic political issue and an internal economic and security threat. According to a 2003 report from the Department of Justice, slightly more than 2 million people are incarcerated in state and federal prisons. Many inmates have histories of IV drug use, and several local and nationwide studies suggest that at least 20 percent of all prisoners are infected with HCV. Many cases go undiagnosed and untreated, and form an ever-expanding HCV reservoir, currently estimated at 400,000 cases. Amplifying the danger, paroled prisoners can unwittingly infect others in the general population. Aggressive education and early treatment programs must be implemented in our nation's prisons, not only to control this growing internal security threat, but also to avoid the prohibitive healthcare costs of later and more extensive treatment.

## Needle Exchange Controversy

Spread of the diseases could be checked by controversial, but highly effective, voluntary free IV needle exchange programs. These carefully administered programs are widely successful in western Europe and are credited with stemming in great part the further spread of both HBV and HCV in the IV drug–using population. Nevertheless, in the United States in 1988, Congress prohibited the adopting of similar voluntary exchange programs. The original intent at the time was to wait until a future secretary of health and human services (HHS) could prove through pilot studies that the IV needle exchanges forestalled the spread of disease without encouraging drug use. Compelling evidence confirming the beneficial effects of free needle exchange programs was presented to HHS Secretary Donna Shalala in 1998, but the ban was not lifted, for domestic political reasons. It is imperative that the present administration review this pressing question and lift the ban in order to stem further infection in this subpopulation.

## Solutions

A successful worldwide eradication campaign for both HBV and HCV must focus on universal HBV vaccination and, eventually, HCV vaccination, as well as the safeguarding of the entire world's blood supply. The West has made excellent progress in curtailing and treating both infections in the general population. Nevertheless, glaring deficiencies remain, such as the soaring rate of HCV in the U.S. prison population, which requires prompt attention. The failure to implement the congressionally sanctioned national IV needle exchange program is tragic, because it has been shown in multiple studies to curtail the spread of both viruses in the IV drug–using population. The European experience in this area has been very positive. This is another sticky political situation,

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but legislators must summon the needed courage to implement this important and rational program. The economic costs of not interceding, combined with the potential social chaos and political turmoil threatening portions of sub-Saharan Africa, should galvanize the West to aggressively pursue

- medical funding for research and development of cheaper and longer-lasting HBV vaccines;
- development of an HCV vaccine that would be available by the end of the decade and that would complement these other protective measures;
- more-effective and less-costly anti-viral medications;
- more-sensitive blood detection technology for the screening of both high-risk individuals and the blood supply.

In the interim, the West should make a collective decision to fund HBV vaccination, blood supply screening, and HBV antiviral programs for those nations deemed at risk. It is ironic that HIV, a virus affecting 30 million people worldwide, commands far more attention, both politically and research dollar–wise, than *both* HBV and HCV, which together afflict nearly 2 billion people. President George W. Bush's 2004 State of the Union speech pledge of $10 billion (USD) for treatment of HIV in Africa deserves both praise and support. But we should bear in mind that worldwide deaths as a result of HCV *alone* surpassed those of HIV in 2000 and are expected to rise sharply, according to an unclassified national intelligence estimate published during the last year of the Clinton administration.[5] Efforts should be made to expand President Bush's program in order to include HBV and HCV. The European Economic Community and Japan should be encouraged to share the additional financial burden.

The world has the potential to severely curtail or even rid itself outright of both HBV and HCV within the next generation. We find ourselves closer than we think to major breakthroughs in antiviral therapy, screening, and vaccination technology and, given our prior experience with smallpox and HIV, we possess the requisite logistical expertise to mount a successful worldwide viral eradication campaign. What we lack, however, is both a clear political focus and a collective political will, without which the consequences for everyone may be catastrophic.

[5] See: www.aegis.com/news/boc/2000/BC00093.html.

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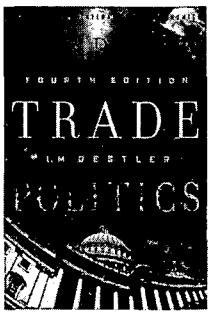


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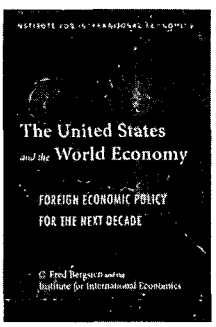


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# Globalization and Diversification of Islamic Movements: Three Turkish Cases

AHMET T. KURU

In the aftermath of the September 11 events, debates raged about the tension between the West and the Muslim world, and between globalization and Islamic movements. Some authors were reminded of the "clash of civilization" thesis arguing an essential cultural incompatibility between the West and the Muslim world.[1] Others pointed to an antagonistic relationship between globalization, originating from and arguably controlled by the West, and Islamic movements, which resist this process. The World Trade Center was targeted because it symbolized globalization.[2] According to this perspective, what we are seeing is a tension between Jihad and McWorld.[3]

Although these arguments are exaggerations, they are not baseless speculation.[4] There are Islamic movements that oppose globalization in order to preserve their identities and ways of life. These movements see globalization as a new phase of Western colonialism. Therefore, their resistance to globalization

[1] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996).

[2] For the relationship between September 11 and globalization, see Walter LaFeber, "The Post September 11 Debate over Empire, Globalization, and Fragmentation," *Political Science Quarterly* 117 (Spring 2002): 1–17.

[3] Benjamin R. Barber, *Jihad vs. McWorld: How Globalism and Tribalism Are Reshaping the World* (New York: Ballantine Books, 1996).

[4] Fred Halliday, *Islam & the Myth of Confrontation: Religion and Politics in the Middle East* (New York: I.B. Tauris, 1996), 110–111.

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coincides with their anti-Western mentality. They blame the West for the moral bankruptcy and other problems of the world. They also claim that democracy is anti-Islamic because it replaces God's sovereignty with that of the people.[5]

Yet, analysis of the Turkish Islamic movements indicates that Islamic movements do not have a homogenous attitude toward globalization. Some of them, for example, the Gülen movement, have supported globalization, whereas others, for example, the early Milli Görüş (National Outlook) and the Haydar Baş movements, have opposed it. The attitudes of these movements toward globalization are not only diverse but also changeable. The followers of the Milli Görüş movement, for instance, have adopted varying views on this issue, as I will explain later.

I selected the cases of the Gülen and the Milli Görüş movements because they have been the two most influential Islamic movements in Turkey. The Haydar Baş movement is marginal in comparison to these two. Yet, it is an important example of an antiglobalization Islamic movement. It is also an interesting case for examining the new anti-European Union (EU) coalition in Turkey that includes groups from Islamic, secular, nationalist, and leftist backgrounds.

Why do certain Islamic movements support globalization and others oppose it? I argue that the attitudes toward globalization and the West of the Turkish Islamic movements are contingent on two variables—opportunity structures and the normative frameworks of movements. The hypotheses that I will test are: first, the more an Islamic movement benefits from international opportunity structures shaped by globalization, the more it becomes pro-globalization; and second, the more the normative framework of an Islamic movement is tolerant and open to cross-cultural interactions, the more it becomes pro-globalization. I will test these two hypotheses on five cases: the Gülen movement, the Haydar Baş movement, the early Milli Görüş movement, the elders of the late Milli Görüş movement, and the young generation of the late Milli Görüş movement.

The fact that these movements are operating in the same country, Turkey, helps to control many domestic variables. That does not mean that this is a single-case study. My unit of analysis is a movement, not a country. Variation of social movements may be analyzed not only through cross-country analysis but also through cross-movement and cross-time comparisons.[6] This essay performs cross-sectional and longitudinal analyses by comparing social movements and

[5] Anti-Western Islamic movements generally refer to Sayyid Qutb (d. 1966) "who offers a critique of modernity as *jahiliyya,* a kind of global pathology." Roxanne L. Euben, "Mapping Modernities, 'Islamic' and 'Western'" in Fred R. Dallmayr, ed., *Border Crossings: Toward a Comparative Political Theory* (Lanham, MD: Lexington Books, 1999), 19.

[6] Dieter Rucht, "The Impact of National Contexts on Social Movement Structures: A Cross-Movement and Cross-National Comparison" in Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds., *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (New York: Cambridge University Press, 1996), 193–199.

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their transformations since the 1990s. The cross-movement analysis of the paper explains the diversity of Islamic movements, and its cross-time examination, based on the method of process tracing,[7] explains their changes.

Are the results of this analysis generalizable or bounded by Turkey's "unique" conditions? If all Islamic movements in Turkey had a homogenous and positive attitude toward globalization, one might claim that these movements were shaped by Turkey's peculiar conditions, such as its geographical proximity to the West, historical experience as a noncolonized country, or secular and democratic regime. However, the three factors—geography, history, and regime—have existed for decades and have been experienced by all movements. Therefore, these factors can explain neither the transformations of Turkish Islamic movements since the 1990s nor the diversity among them. Instead, these movements are shaped by some generalizable factors, such as opportunity structures and the normative frameworks of movements, which affect other Islamic movements as well. Therefore, the theoretical perspective of this paper can be used to examine Islamic movements in other countries.

The movements examined here are social movements that are nonstate, nonprofit, nonviolent, and voluntary. They are also Islamic, because Islam constitutes their ideational framework and basis of solidarity.[8] Islamic movements have been analyzed by different approaches. "Essentialism" generally focuses on the alleged uniqueness, exceptionalism, or unity of the Muslim world.[9] Therefore, it examines Islamic movements through the so-called religious and cultural peculiarities. Criticism of the essentialist approach has recently become widespread.[10] The anti-essentialists, or one may call them "contextualists," have shown that Islamic phenomena are more complex than the essentialists assume. They have demonstrated the contextual change and diversity in the Muslim world as they relate to modernity,[11] liberalism,[12] and democracy.[13] The main

[7] See James Mahoney, "Strategies of Causal Inference in Small-*N* Analysis," *Sociological Method & Research* 28 (May 2000): 412–415; Andrew Bennett and Alexander L. George, "Process Tracing in Case Study Research," paper presented at the MacArthur Foundation Workshop on Case Study Methods, Harvard University, 17–19 October 1997.

[8] For discussions on religious and socioeconomic dimensions of Islamic movements, see Edmund Burke, "Islam and Social Movements: Methodological Reflections" in Edmund Burke, III and Ira Lapidus, eds., *Islam, Politics, and Social Movements* (Berkeley: University of California Press, 1988), 17–37.

[9] Huntington, *The Clash of Civilizations*, 174–179, 209–218, 254–258; Bernard Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East* (New York: Perennial, 2003); Bernard Lewis, "The Roots of Muslim Rage," *The Atlantic Monthly* 266 (September 1990): 47–60.

[10] Edward D. Said, *Orientalism* (New York: Pantheon Books, 1979); Dale F. Eickelman and James P. Piscatori, *Muslim Politics* (Princeton, NJ: Princeton University Press, 1996); Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993); Aziz al-Azmeh, *Islams and Modernities* (New York: Verso, 1996).

[11] Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling* (Ann Arbor: University of Michigan Press, 1996).

[12] Charles Kurzman, ed., *Liberal Islam: A Sourcebook* (New York: Oxford University Press, 1998).

[13] Robert W. Heffner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton, NJ: Princeton University Press, 2000).

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weakness of many contextualist works, however, is their lack of causal explanation. They generally try to understand Islamic movements through an interpretivist methodology, rather than to explain the causes of their transformation. This paper, with very few others,[14] makes a contribution to the contextualist approach by applying the social movement literature to the analysis of Islamic movements. Additionally, it analyzes an issue neglected by contextualists—the relationship between Islamic movements and globalization.

This paper also makes two contributions to the literature on social movements. First, it fills the gap in the social movements literature mentioned by Doug McAdam: "Movements scholars have, to date, grossly undervalued the impact of *global* political and economic process in structuring the *domestic* possibilities for successful collective action."[15] To date, very few works have been published on this issue.[16] The present paper contributes to the literature by explaining the impact of globalization on both international and domestic opportunity structures and the influence of these structures on social movements.

Second, discussion of resource mobilization theory and the political process model dominated social movement literature until the late 1990s. Recently, a group of scholars has attempted to construct a "synthetic" approach, which includes different allegedly dichotomous factors.[17] This essay contributes to this synthesizing approach by analyzing both structural and agency-based factors. It analyzes the interaction between opportunity structures and the normative frameworks of movements, and the impact of this interaction on the movements' attitudes.

Scholars of political science generally avoid analyzing ideas as explanatory variables because of the risk of tautological explanations. By using normative

[14] Quintan Wiktorowicz, ed., *Islamic Activism: A Social Movement Theory Approach* (Bloomington: Indiana University Press, 2003); Christopher Alexander, "Opportunities, Organizations, and Ideas: Islamists and Workers in Tunisia and Algeria," *International Journal of Middle East Studies* 32 (November 2000): 465–490; Ziad Munson, "Islamic Mobilization: Social Movements Theory and the Egyptian Muslim Brotherhood," *The Sociological Quarterly* 42 (Fall 2001): 487–510.

[15] Doug McAdam, "Conceptual Origins, Current Problems, Future Directions" in McAdam, McCarthy, and Zald, eds., *Comparative Perspectives on Social Movements*, 34; emphases original.

[16] See, for two of the rare examples, John A. Guidry, Michael D. Kennedy, and Mayer N. Zald, eds., *Globalizations and Social Movements: Culture, Power, and the Transnational Public Sphere* (Ann Arbor: University of Michigan Press, 2000); Donatella della Porta, Hanspeter Kriesi, and Dieter Rucht, eds., *Social Movements in a Globalizing World* (New York: St. Martin's Press, 1999).

[17] Doug McAdam, Sidney Tarrow, and Charles Tilly, "Toward an Integrated Perspective on Social Movements and Revolution" in Mark Irving Lichbach and Alan S. Zuckerman, eds., *Comparative Politics: Rationality, Culture, and Structure* (New York: Cambridge University Press, 1997), 142–173; McAdam, McCarthy, and Zald, eds., *Comparative Perspectives on Social Movements*; Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York: Cambridge University Press, 1998); Doug McAdam, Sidney Tarrow, and Charles Tilly, *Dynamics of Contention* (New York: Cambridge University Press, 2001); Charles Kurzman, "Structural Opportunity and Perceived Opportunity in Social-Movement Theory: The Iranian Revolution of 1979," *American Sociological Review* 61 (February 1996): 153–170.

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frameworks as an explanatory variable, I do not mean that a movement constructs a pro-globalization discourse if it has a pro-globalization normative framework, which is apparently a tautology. I use the movements' normative frameworks (*Risale-i Nur* for the Gülen movement, political Islamism and conservative democracy for the groups in the Milli Görüş movement, and religio-nationalism for the Haydar Baş movement) as sets of general norms and values that do not determine, but, rather, affect the movements' attitudes on specific subjects, such as globalization.

In this regard, having a tolerant normative framework and being pro-globalization are different but closely related conditions. An Islamic movement may be defined as tolerant if it is open to inter-faith dialogue and respectful of cultural diversity. We can categorize an Islamic movement, on the other hand, as pro-globalization if it takes a position for increasing the transnational flow of people, goods, and ideas around the globe, rather than for cultural fragmentation and the ghettoization of the world. In the Turkish context, one of the best concrete signs of being pro-globalization is support for the country's integration into the EU.

In sum, having a tolerant normative framework is generally a necessary but not sufficient condition for an Islamic movement to be pro-globalization. In the case of the Gülen movement, for example, we will see that before its interaction with international opportunity structures, the movement remained indifferent toward globalization despite the fact that it has always had a tolerant normative framework. That is why I attach importance to both normative frameworks and international opportunity structures as two interconnected factors that shape Islamic movements' attitude toward globalization. In the first two sections of the paper, I will explain the interaction between globalization and opportunity structures in general, as well as in Turkey. Then, I will test the two hypotheses through the analyses of the cases.

## Globalization and Opportunity Structures

Globalization has a plethora of definitions. In this paper, I use this term as the intensification of worldwide political, economic, and sociocultural relations.[18] Globalization, therefore, implies the increasing flow of money, goods, services, ideas, and people across national borders. Globalization has two main pillars. The first is global capitalism, which depends on the increase of *cross*-border, *open*-border, and *trans*-border economic relations.[19] The other is the development and spread of communications technologies, which shrink the world.[20]

[18] Anthony Giddens, *The Consequences of Modernity* (Stanford, CA: Stanford University Press, 1990), 64. See also John Baylis and Steve Smith, eds., *The Globalization of World Politics* (New York: Oxford University Press, 1998); James H. Mittleman, *The Globalization Syndrome: Transformation and Resistance* (Princeton, NJ: Princeton University Press, 2000).

[19] Jan Art Scholte, "Global Capitalism and the State," *International Affairs* 73 (July 1997): 430–432.

[20] See Jeffrey James, *Globalization, Information Technology and Development* (New York: St. Martin's Press, 1999).

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Globalization has had an impact on both domestic and international opportunity structures that affect social movements. To understand the impact of globalization on opportunity structures, we need to disaggregate the alleged dichotomy between globalization and the nation-state. The relationship between globalization and the nation-state is not a zero-sum game. Globalization empowers the free market system at the expense of the statist regimes. Nevertheless, by no means does it eliminate the role of states in the international economic system.[21] Although globalization weakens the importance of state boundaries, states respond to this challenge by producing new forms of legality. States also remain crucial to guaranteeing a globalized legal order.[22]

Globalization challenges a specific type of state, one that aims to homogenize its citizens through sociocultural policies. It weakens state monopolies in different areas (that is, the economy, the media, and education) through a free market system and the spread of communications technologies.[23] Globalization weakens state capacity to use "social engineering" as a tool to shape society.[24] A state may try to limit the influence of globalization in order to preserve its sociocultural monopoly. That process can be "deeply anti-democratic" because it requires "an inevitable extension of the powers of the state" to suppress both the global flows and the freedom of its citizens.[25]

In this paper, I analyze two types of opportunity structures—domestic and international—which are both influenced by globalization. Domestic opportunity structures mean emerging opportunities for social movements to set up economic, media, and educational institutions as a result of the weakening of state monopolies in these three domains. By international opportunity structures, I imply three things: first, international opportunities, which emerged as a result of the decline of state monopolies in several countries, and which facilitate the institutional diffusion of transnational social movements; second, transborder networks and resources, which support social movements ideationally and materially; and third, international institutions and norms, which support social movements repressed by their own states. There is a strong interaction between domestic opportunity structures and these three types of international opportunities.

[21] Peter Evans, "The Eclipse of the State? Reflections on Stateness in an Era of Globalization," *World Politics* 50 (October 1997): 62–87.

[22] Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996), 24–26; Saskia Sassen, "Whose City Is It? Globalization and the Formation of New Claims," *Public Culture* 8 (Winter 1996): 213.

[23] Annabelle Sreberny-Mohammadi, "Introduction" in Sandra Braman and Annabelle Sreberny-Mohammadi, eds., *Globalization, Communication and Transnational Civil Society* (Cresskill, NJ: Hampton Press, 1996), 1–19.

[24] Paul Hirst and Grahame Thompson, *Globalization in Question: The International Economy and the Possibilities of Governance* (Malden, MA: Polity Press, 1999), 263.

[25] Peter Martin, "Une obligation morale [The Moral Case for Globalization]," *Le Monde Diplomatique* (June 1997): 14.

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## Globalization, the State, and Domestic Opportunity Structures in Turkey

Globalization has had an eminent impact on domestic opportunity structures in Turkey, particularly since the premiership and then presidency of Turgut Özal (1983–1993).[26] Before the Özal period, there was a substantial state monopoly on economic and even sociocultural life. The state was using import-substituting industrialization and controlling the market. There was a monopoly of the one-channel public television, the public radio station, and public universities. Özal led policies on economic liberalization and the development of communications technologies. The economic structure changed from an import substitution-based statist economy to an export-led liberal economy. The state control over foreign currency exchange was abolished and the Turkish *lira* became convertible. Along the same lines, the Turkish stock exchange was constituted in Istanbul. State-owned enterprises became increasingly privatized, and private education began to spread. Economic liberalization was strongly related to the transfer of communications technologies. In the early 1990s, the state monopoly on television and radio stations was ended. Subsequently, the number of private radio stations blossomed. The number of national television channels has increased to about twenty. Recently, the use of cellular phones, fax machines, and computers has increased, as has the use of the Internet. The spread of communications technologies facilitated the emergence of heterogeneous identities and cultural diversity beyond the control of the state.[27]

Economic liberalization and new communications technologies provided Islamic movements the opportunity to set up their own economic, media, and educational institutions.[28] After the decline of state monopoly in these three domains, Islamic movements became more visible in the public sphere.[29] Economic liberalization facilitated the emergence of a new pro-Islamic bourgeoisie, the so-called Anatolian Tigers. They founded business associations (for example, MÜSİAD) as alternatives to TÜSİAD, which represents the high bourgeoisie. Moreover, the Islamic movements have developed several media networks, including television channels, radio stations, and publications. The spread of communications technologies created new public arenas for formerly marginalized people. In fact, the Muslim public is the "best organized of the

[26] For Özal's presidency, see Metin Heper and Menderes Çınar, "Parliamentary Government with a Strong President: The Post-1989 Turkish Experience," *Political Science Quarterly* 111 (Fall 1996): 493–497.

[27] Haluk Şahin and Asu Aksoy, "Global Media and Cultural Identity in Turkey," *Journal of Communication* 43 (Spring 1993): 36.

[28] Ali Bulaç argues that Muslims should appreciate globalization, which weakens the nation-state and empowers individuals. Ali Bulaç, "Küreselleşme Kimi Tehdit Ediyor? [Whom does Globalization Challenge?]," *Zaman*, 24 July 2001; "Küreselleşme İslamı Tehdit Ediyor mu? [Does Globalization Challenge Islam?]," *Zaman*, 25 July 2001.

[29] See Nilüfer Göle, "Snapshots of Islamic Modernities," *Daedalus* 129 (Winter 2000): 91–117.

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new publics" in Turkey.[30] In sum, the interaction between globalization and the state has shaped domestic opportunity structures in Turkey, which has helped Islamic movements to constitute their own institutions.

In the early 1990s, Özal was leading liberal state policies aimed at engaging globalization. In the late 1990s, however, the Turkish establishment noticed a trade-off between the benefits of the engagement with globalization for the country on the one hand, and the rise of the Islamic movements at the expense of the statist regime on the other. The establishment was alerted by the rise of the Islamic movements and tended to adopt repressive state policies.[31] In the Milli Guvenlik Kurulu (National Security Council) (MGK) summit of 28 February 1997, the military directly intervened in politics in what has been described as a "soft" coup d'état.[32] This summit dictated eighteen demands that the government of pro-Islamist Prime Minister Necmettin Erbakan oppress the Islamic movements. The military gained support from other parts of the establishment,[33] such as the media, the judiciary, and the high bourgeoisie. The soft coup d'état claimed to be protecting *laiklik* (secularism).[34] As a part of this new process, religious education was restricted, and veiling in schools was strictly banned.[35] The military removed its allegedly Islamist officers. Pro-Islamic corporations and banks faced official discrimination and were forced to stop their financial support of Islamic movements. The change of state policies from liberal to repressive with the February 28 coup changed the opportunity structures and created new domestic constraints for Islamic movements. It also created new incentives for these movements to search for alternative international opportunities.

Although all Turkish Islamic movements have experienced a relatively homogenous domestic opportunity structure, they have developed very heterogeneous attitudes toward globalization. Therefore, we need to analyze some variables other than the domestic opportunity structure, such as international opportunity structures and the normative frameworks of movements, to explain this diversification.

[30] Jenny B. White, "Amplifying Trust: Community and Communication in Turkey" in Dale F. Eickelman and John W. Anderson, eds., *New Media in the Muslim World: The Emerging Public Sphere* (Bloomington: Indiana University Press, 1999), 177.

[31] M. Hakan Yavuz, "Cleansing Islam from the Public Sphere," *Journal of International Affairs* 54 (2000): 21–42.

[32] Ben Lombardi, "Turkey—The Return of the Reluctant Generals?" *Political Science Quarterly* 112 (Summer 1997): 214–215.

[33] I prefer to use the term "establishment" rather than the "state," for avoiding the false state–society dichotomy. See, for the blurry boundaries between state and society, Joel S. Migdal, *State in Society: Studying How the States and Societies Transform and Constitute One Another* (New York: Cambridge University Press, 2001).

[34] For the difference between *laïcité* (secularism) as a regime and *laïcisme* (secularism) as an ideology in Turkey, see Semih Vaner, "Introduction," *Cahiers d'Études sur la Méditerranée Orientale et le Monde Turco-Iranien* 27 (January–June 1999): 11–12.

[35] See Nuh Gönültaş, "Vatan Dayak Yemediğin Yerdir! [Motherland Is Where You Are not Beaten!]," *Zaman*, 29 September 2000.

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## The Gülen Movement

The Gülen movement developed a pro-globalization view in the 1990s. If my two hypotheses are correct, this movement should first, have benefited from international opportunity structures shaped by globalization, and second, have had a tolerant normative framework open to cross-cultural interactions.

The Gülen movement emerged in the late 1960s as a local group around İzmir. In the mid-1980s, it began to open educational institutions and spread to other parts of Turkey. As it spread geographically, it transformed from a local group into a nationwide social movement. Ties became more impersonal, and abstract principles prevailed instead of communitarian customs. In the 1990s, the Gülen movement experienced its second transformation. It changed from a national social movement into a transnational one by opening institutions internationally and gathering sympathizers from several nationalities.[36]

Throughout the 1990s, the Gülen movement benefited from the international opportunity structures shaped by globalization in three main ways. First, globalization has weakened the state monopoly on sociocultural and economic life in many countries. This has allowed the institutional diffusion of the Gülen movement in more than fifty countries. Second, the movement has taken advantage of the conceptual and legal framework of transnational movements and nongovernmental organizations. It has primarily benefited from the transnational Turkish diaspora, in addition to its sympathizers from different nationalities. Finally, it has employed international opportunities to balance the repression of the Turkish state. The initiator of the movement, Fethullah Gülen, has lived in the United States since 1999 because of the repressive political atmosphere of Turkey, in addition to some personal health problems.

Particularly after the collapse of the Soviet Union, the Gülen movement opened institutions in the former communist countries. Later on, it extended its education, media, and business networks to more than fifty countries. The movement has been active in a wide geographic area, from North America to East Asia. Currently, private companies and foundations affiliated with the Gülen movement operate hundreds of dormitories, preparatory schools, and high schools, in addition to six universities in Turkey and abroad.[37] They also operate a media network, including Samanyolu, a television channel with a global satellite outreach; several local and national radio stations; *Zaman*, a newspaper published in twelve different countries; *Aksiyon*, a news magazine; *The Fountain*, an international magazine in English; and about ten other magazines, which cover issues ranging from ecology, literature, and theology to popular science.

[36] The author's personal interviews and observations in Turkey, Turkmenistan, and the United States in the Gülen movement's institutions.

[37] See M. Hakan Yavuz, "Towards an Islamic Liberalism? The Nurcu Movement and Fethullah Gülen," *The Middle East Journal* 53 (Autumn 1999): 599; See also Elisabeth Özdalga, "Worldly Asceticism in Islamic Casting: Fethullah Gülen's Inspired Piety and Activism," *Critique: Critical Middle Eastern Studies* 17 (Fall 2000): 83–104.

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Do the opportunity structures have an independent impact on the Gülen movement's international expansion? We can answer this by analyzing the cases of failure for the movement's spread. The movement's schools and media outlets were officially closed in two countries—Uzbekistan and Afghanistan. In the early 1990s, opportunity structures helped the movement to open institutions in these countries. However, the emergence of authoritarianism in Uzbekistan and the Taliban rule in Afghanistan withered the opportunities for the movement, particularly through the state monopolies in education and the media. These two regimes resisted the impact of globalization and did not respect the legitimacy of international nongovernmental organizations. In sum, the end of the opportunity structures in these two countries meant the official closure of the Gülen movement's schools and media outlets.

Two resources have helped the Gülen movement to benefit from international opportunity structures. First, the movement has been very successful in English instruction, which has been in high demand in many countries, for example, the former Soviet republics.[38] The students of the movement's schools have won several medals in the International Scientific Olympics, in addition to achieving the top scores in nationwide university entrance examinations in Turkey. The movement has reproduced this success in many other countries. The second resource of the movement is that it has created a synergy based on cooperation between educators and businesspeople. The sympathizers of the Gülen movement have been powerful enough to establish an interest-free bank and insurance company. Without the financial donations of business, the movement's schools could not afford to operate.

The second variable that shapes the attitudes of Islamic movements toward globalization is their normative frameworks. The Gülen movement has had a tolerant normative framework that has been open to cross-cultural interactions. This has affected the movement's pro-globalization stand. Gülen's thinking has been very much influenced by the writings of Bediüzzaman Said Nursi (1876–1960).[39] Nursi's *Risale-i Nur*, a collection of approximately 120 pamphlets, is an interpretation of the Qur'an and is widely read among the Gülen movement's sympathizers. Nursi opposed violence and the politization of Islam.[40] He encouraged interfaith dialogue and appreciated globalization as early as the 1910s: "The world became a single city with the improvement of the transportation facilities. Communication facilities, such as print and the telegraph, also made the world population into a population of a single place."[41]

[38] See Ahmet T. Kuru, "Between the State and Cultural Zones: Nation-Building in Turkmenistan," *Central Asian Survey* 21 (March 2002): 83–84.

[39] See the special issue of *The Muslim World* 89 (July–October 1999), edited by M. Hakan Yavuz. See also Ibrahim M. Abu-Rabi, ed., *Islam at the Crossroads: On the Life and Thought of Bediüzzaman Said Nursi* (Albany, NY: SUNY Press, 2003).

[40] Bediüzzaman Said Nursi, "Mektubat [The Letters]" in *Risale-i Nur Külliyatı* [The Epistles of Light] (İstanbul: Nesil Yayıncılık, 1996), 366–368.

[41] Bediüzzaman Said Nursi, "Muhakemat [The Reasoning]" [İstanbul, 1912] in *Risale-i Nur Külliyatı*, 1997.

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In the late Ottoman era, Nursi defended the idea that Christians could hold administrative positions in the Empire.[42] He specifically encouraged Muslim–Christian cooperation in the struggle against materialism and atheism. During the Second World War, he was concerned about the non-Muslim war victims in Europe and held that the non-Muslim children became martyrs and the innocent adults might have gained salvation.[43] Because of Nursi's influence, the Gülen movement has always respected human dignity, and it has never regarded Christians and Jews as the "enemy." When the movement began to construct its positive discourse on globalization and the West, Nursi's influence became more visible.

Until the 1990s, the Gülen movement had focused on the spread of religious messages and had been isolated from political life. For that reason, it did not have a definitive view of globalization. In the 1990s, it became visible in the public sphere in Turkey[44] and opened institutions abroad with the help of international opportunity structures. In this period, the movement developed a positive attitude toward globalization, with an emphasis on religious tolerance, interfaith dialogue, and democracy.[45] In 1994, the movement founded the Foundation of Journalists and Writers (FJW) to organize public meetings aimed at promoting tolerance and dialogue. These two concepts became the mottos of the movement, which has interacted with different cultures and governments all around the world, and has, therefore, needed a language of engagement.[46] The FJW's meetings have regularly brought together academics, intellectuals, and religious leaders. In 1997, the FJW organized the Inter-Civilization Dialogue Congress as a reaction to the "clash of civilizations" thesis. In 1998, the FJW initiated the Eurasian Meetings that have annually brought together intellectuals from several Eurasian countries. In 2000, the FJW coordinated the meeting of the representatives of the three "Abrahamic" religions in Turkey.

The FJW has also organized the annual Abant Workshops, which have involved approximately fifty Turkish intellectuals from different ideological backgrounds. The first workshop, held in 1988, primarily discussed Islam and secularism. Its press declaration stressed that God's ontological sovereignty is

[42] Bediüzzaman Said Nursi, "Münazarat [The Debates]" in *Risale-i Nur Külliyatı*, 1945. See also Zeki Sarıtoprak, "Said Nursi's Teachings on the People of the Book: A Case Study of Islamic Social Policy in the Early Twentieth Century," *Islam and Christian–Muslim Relations* 11 (October 2000): 321–332.

[43] Bediüzzaman Said Nursi, "Kastamonu Lahikası [The Kastamonu Letters]" in *Risale-i Nur Killiyatı*, 1615.

[44] Uğur Kömeçoğlu, "Kutsal ile Kamusal: Fethullah Gülen Cemaat Hareketi [The Sacred and the Public: The Fethullah Gülen Communal Movement]" in Nilüfer Göle, ed., *İslamın Yeni Kamusal Yüzleri* [Islam's New Public Faces] (İstanbul: Metis, 2000), 148–194.

[45] Hüseyin Gülerce, "Yeni Dinamikler [New Dynamics]," *Zaman*, 19 June 2001.

[46] See Bekim Agai, "The Gülen Movement's Islamic Ethic of Education" in M. Hakan Yavuz and John L. Esposito, eds., *Turkish Islam and the Secular State: The Gülen Movement* (Syracuse, NY: Syracuse University Press, 2003), 48–68.

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compatible with the political sovereignty of the people.[47] The second workshop examined the relationships among religion, state, and society.[48] The third meeting was devoted to democracy and the rule of law. Its final declaration stressed that Islam was not a barrier to democracy.[49] The fourth workshop explored the issue of pluralism, and the fifth discussed globalization.

Since the mid-1990s, Gülen has made positive statements about globalization. He has argued that the globalization process might become an opportunity for Muslims if they would proactively contribute to this process. In his own words: "Modern means of communication and transportation have transformed the world into a large, global village. . . . This time is a period of interactive relations. Nations and peoples are more in need of and dependent on each other, which causes closeness in mutual relations."[50] Gülen has also claimed a relationship between globalization and democracy; as a result of globalization, "the individual comes to the fore, making it inevitable that democratic governments that respect personal rights will replace oppressive regimes."[51] According to Gülen, there is a strong connection between globalization and the necessity of tolerance:

> Although the world increasingly resembles a global village, different belief systems, races, and customs will continue to survive. Each individual is a unique being; therefore it is a utopian idea to standardize people. The harmony and peace of the global village are based on the recognition and respect of this diversity. . . . In other words, it depends on a global tolerance and dialogue. Otherwise, the world will result in its own end through fighting and wars.[52]

Following the 1990s, Gülen has primarily devoted his speeches, writings, and media interviews to religious tolerance and interfaith dialogue. He has met with religious leaders, including Pope John Paul II, the Panahriot Greek Patriarch Bartholomeos, and Israeli Sephardic Head Rabbi Eliyahu B. Doron.[53] Gülen's relations with Christians and Jews have been criticized by some Islamists. The Ibda-C, the fundamentalist terrorist group, reportedly plotted assassination attempts against Gülen. In fact, Gülen is very critical of terrorism. He strongly condemned the September 11 terrorist attacks against the United States, where he has lived for six years. In his statement in the *Washington Post*,

[47] *İslam ve Laiklik* [Islam and Secularism] (İstanbul: Gazeteciler ve Yazarlar Vakfı, 1998).

[48] *Din, Devlet, Toplum* [Religion, State, and Society] (İstanbul: Gazeteciler ve Yazarlar Vakfı, 1999).

[49] *Demokratik Hukuk Devleti* [Democratic State and the Rule of Law] (İstanbul: Gazeteciler ve Yazarlar Vakfı, 2000).

[50] Fethullah Gülen, "At the Threshold of the New Millennium," *The Fountain* 3 (January–March 2000): 7.

[51] Ibid., 8.

[52] Quoted in Nevval Sevindi, *Fethullah Gülen ile Global Hoşgörü ve New York Sohbeti* [Global Tolerance and the New York Interview with Fethullah Gülen] (İstanbul: Timaş, 2002), 42.

[53] See Ali Ünal and Alphonse Williams, eds., *Advocate of Dialogue: Fethullah Gülen* (Fairfax: The Fountain, 2001).

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on 21 September 2001, Gülen emphasized, "Islam abhors such acts of terror. A religion that professes, 'He who unjustly kills one man kills the whole of humanity' cannot condone senseless killing of thousands."

Gülen has also frequently referred to democracy and the West in a positive manner. In 1994, he made his first public speech on democracy, in which he stressed that it was impossible to retreat from democracy in Turkey.[54] Although some Islamists strongly criticized this speech, Gülen has continued to emphasize the importance of democracy. By the same token, in an interview in 1995, he opposed anti-Western feelings: "Anti-Westernism would force us out of civilization."[55] He also acknowledged that Muslims had many things to learn from the West[56] and stated that Turkey's integration into the EU would not result in cultural assimilation for Turkish society.[57] In 2000, in a written response to questions from the *New York Times*, Gülen referred to the Western democracies as a political model for Turkey: "Standards of justice and democracy [in Turkey] must be elevated to the level of our contemporaries in the West."[58]

Gülen sees democracy as a developing and irreversible process that has not yet reached its final point. In his view, an ideal democracy should also take into consideration human concerns, even about the hereafter.[59] In his article published in *SAIS Review* in 2001, he argued that Islam and democracy are compatible. He also rejected the ideology of political Islamism: "Islam does not propose a certain unchangeable form of government or attempt to shape it. Instead, Islam establishes fundamental principles that orient a government's general character, leaving it to the people to choose the type and form of government according to time and circumstances."[60] According to Gülen, Islam does not legitimize totalitarian regimes: "Islam considers a society to be composed of conscious individuals equipped with free will."[61]

In sum, the analysis of the Gülen movement supports my two hypotheses. The movement has constructed a pro-globalization and pro-Western attitude as a result of its interaction with international opportunity structures and its tolerant normative framework. In the next section, I will test my hypotheses in a different case and search for an answer to the following question: Why does an Islamic movement become antiglobalization?

[54] Eyüp Can, *Fethullah Gülen Hocaefendi ile Ufuk Turu* [The Tour d'Horizon with Fethullah Gülen Hocaefendi] (İstanbul: Milliyet Yayıları, 1996), 129.

[55] Ibid., 43.

[56] For Gülen's views on Western modernity, see Ahmet T. Kuru, "Fethullah Gülen's Search for a Middle Way between Modernity and Muslim Tradition" in Yavuz and Esposito, eds., *Turkish Islam and the Secular State*, 115–130.

[57] Can, *Fethullah Gülen Hocaefendi*, 43. For Gülen's ideas on the EU, see Hasan Kösebalaban, "The Making of Enemy and Friend: Fethullah Gülen's National-Security Identity" in Yavuz and Esposito, eds., *Turkish Islam and the Secular State*, 170–183.

[58] Douglas Frantz, "Turkey Assails a Revered Islamic Moderate," *New York Times*, 25 August 2000.

[59] Nevval Sevindi, *Fethullah Gülen ile New York Sohbeti* (İstanbul: Sabah Kitapları, 1997), 78.

[60] Fethullah Gülen, "A Comparative Approach to Islam and Democracy," translated by Elvan Ceylan, *SAIS Review* 21 (Summer–Fall 2001): 134.

[61] Ibid., 135.

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## The Haydar Baş Movement

The Haydar Baş movement developed an antiglobalization view in the 1990s. According to my two hypotheses, this movement should first, have not benefited from international opportunity structures shaped by globalization, and second, have had an intolerant normative framework, which has been closed to cross-cultural interactions.

The Haydar Baş movement, which takes its name from its leader, emerged as a branch of the Kadiri *tarikat.* In the 1990s, it opened institutions in different parts of Turkey, involved itself in public affairs, and became a nationwide social movement. Today, it is affiliated with two nationwide television channels (Mesaj TV and Meltem TV), a newspaper (*Yeni Mesaj*), and magazines. The movement has spread its religio-nationalist messages through its media network, and has business investments and a limited number of schools.

The Haydar Baş movement does not have a significant number of institutions in foreign countries. Therefore, it has not benefited from the international opportunities that have emerged as a result of the decline of state monopolies or that exist as trans-border networks and resources. Why did the Haydar Baş movement not open institutions in foreign countries as the Gülen movement did? The answer is twofold. The first is based on the movement's choice. The Haydar Baş movement ignores emerging international opportunities because of its religio-nationalist normative framework, which focuses on Turkey at the expense of trans-border issues. This shows the direct interaction between a movement's normative framework and its engagement with international opportunity structures. The second is based on the movement's resources. Unlike the Gülen movement, the Haydar Baş movement has had limited human, financial, and institutional resources, which has made international diffusion difficult.

Additionally, the Haydar Baş movement has not benefited from international opportunities to be saved from state repression. Whenever the movement has faced state repression, it has not referred to international norms and has not applied to international institutions. Instead, it has chosen co-optation by the state. It has frequently shown its conformity to the state in its media network.[62] As a result, it has constructed a statist discourse that opposes globalization.

In terms of the second variable, the Haydar Baş movement has had an intolerant normative framework. The movement's religio-nationalist normative framework is built on an unfriendly view of other religions. It has regarded dialogue with Christians and Jews as a threat to Islamic identity. Haydar Baş, for example, has argued that Christian missionaries constitute a severe threat by seeking to convert Turks to Christianity. Because of this perceived threat, the Haydar Baş movement, unlike the Gülen movement, has avoided interaction with non-Muslims. For that reason, the Haydar Baş movement has been very critical of the Gülen movement's activities involving interfaith dialogue. In 1998, Gü-

[62] Taha Kıvanç, "Tarikatlerle Temas [Contact with *Tariqats*]," *Yeni Şafak*, 3 July 2001.

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len visited the Pope in the Vatican. The Haydar Baş movement strongly criticized this visit. Similarly, in 2000, the Gülen movement organized the meeting of three Abrahamic religions in Urfa, Turkey. The Haydar Baş movement, again, condemned this meeting. In sum, for the Haydar Baş movement, spreading internationally has not been worth risking the loss of identity and solidarity. Therefore, it has perceived globalization as a challenge, avoided international integration, and aimed to preserve its identity through an antiglobalization discourse.[63]

In 2001, the Haydar Baş movement founded a political party, the Bağımsız Türkiye (Independent Turkey) Party (BTP) under the leadership of Haydar Baş. The BTP received less than 1 percent of the votes in the 2002 national elections. It has focused on the spread of the movement's religio-nationalist views. The BTP has been against globalization and has defined it as "a concept created by industrialized states after the Second World War to exploit underdeveloped and developing countries' natural resources."[64] It has also claimed that EU membership would be a type of colonialization that would violate Turkey's cultural, economic, and political independence.[65]

Haydar Baş has claimed that there are two totally contradictory civilizations, namely Western and Islamic. The former desires to oppress, to rule, and to destroy, whereas the latter wishes to help, to develop, and to construct. For him, the EU is a Christian club: "The EU put on the Euro the pictures of the doors of two cathedrals, St. Pierre and Notre Dame. . . . The twelve stars on the EU's flag represent the twelve apostles of Jesus."[66] Haydar Baş has also opposed globalization. In his own words:

> Globalization is a concept originating from the West which has became a façade to adamantly impose particular ideas on underdeveloped countries, such as the claim that the borders are removed and nations are cooperating by ignoring their economic, cultural, and civilizational differences. The Western countries which produced this concept, however, consolidate the Christian unity and raise walls against other countries. That is a very normal situation, because globalization is constructed to maintain the hegemony of Christian faith and civilization. In this regard, we have to be cautious against the global exploitation and destruction of local cultures. We need to take precautions to preserve our belief system, civilization, and solidarity. The primary precaution is to follow policies that prioritize nationality.[67]

[63] See, for the similarities between nationalist and anti-globalist discourses, Fred Halliday, "The Middle East and the Politics of Differential Integration" in Toy Dodge and Richard Higgot, eds., *Globalization and the Middle East: Islam, Economy, Society, and Politics* (London: Royal Institute of International Affairs, 2002), 41.

[64] Bağımsız Türkiye Partisi, "Küreselleşme Nedir [What is Globalization]?" 20 May 2003, accessed on the website of the BTP at http://www.btp.org.tr/index.php?temelgorusler=1, 15 June 2003.

[65] Bağımsız Türkiye Partisi, "AB'ye Basvuru [Application to the EU]," accessed on the website of the BTP at http://www.btp.org.tr/basvuru.htm, 30 May 2002.

[66] Haydar Baş, "Haftanın Sohbeti [The Interview of the Week]," *Yeni Mesaj*, 26 April 2002. See also Haydar Baş, "Türk Milleti İkinci Sevr'e Müsaade Etmeyecektir [The Turkish Nation Will Nôt Allow the Second Sevres Treaty]," *Yeni Mesaj*, 16 August 2002.

[67] Haydar Baş, "Küreselleşme ile Örtülen Gerçekler [The Facts Hidden by Globalization]," *Yeni Mesaj*, 19 May 2001. See also Haydar Baş, "Küreselleşme ve ABD Hegemonyası [Globalization and the American Hegemony]," *Yeni Mesaj*, 28 July 2001.

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The discussion on globalization among Islamic movements has strongly related to contemporary politics in Turkey: "Turkish politics . . . will increasingly be organized along the lines of 'globalisers' and 'antiglobalisers' . . . as opposed to cleavages based on the previous left-right or Islam-secularism axes."[68] The statist part of the Turkish establishment opposes Turkey's integration with the EU,[69] since "membership of the EU would mean breaking down the concept of the *Devlet Baba* (Father State), which holds that the state should be served by the people, not the other way round."[70] In 2001, in a symposium on the EU organized by the Turkish military academies, some generals resisted Turkey's EU membership, claiming that the EU was a "Christian club."[71] In 2002, the secretary general of the MGK, General Tuncer Kılınç, insisted that Turkey should cooperate with Russia and Iran, instead of the EU.[72] The Haydar Baş movement has agreed with this statist perspective and has cooperated with secular groups in opposing globalization and the EU.

Consequently, the Haydar Baş movement developed a negative attitude toward globalization because it has not benefited from international opportunities and has had an intolerant religio-nationalist normative framework. The Haydar Baş movement has perceived globalization to be a challenge and has resisted it to preserve its identity.

To this point, I have analyzed one clearly positive and one clearly negative view of globalization. The following section will examine a more changing and divided stand.

## The Milli Görüş Movement

The Milli Görüş movement had an antiglobalization and anti-Western attitude until the late 1990s. Following the February 28 coup in 1997, the movement found itself divided by the opposing views of the elders and the younger members. Ultimately, the younger generation left the movement completely. If my two hypotheses are correct, the antiglobalization attitudes of the early Milli Görüş movement and the elders of the late Milli Görüş movement should first, have not benefited from international opportunity structures, and second, have had intolerant normative frameworks. Yet the pro-globalization view of the younger generation of the late Milli Görüş movement should have had the opposite features.

[68] Ziya Öniş, "Globalization, Democratization and the Far Right: Turkey's Nationalist Action Party in Critical Perspective," *Democratization* 10 (Spring 2003): 33–34.

[69] See, for these changing perspectives about the EU in Turkey, Hasan Kösebalaban, "Turkey's EU Membership: A Clash of Security Cultures," *Middle East Policy* 9 (June 2002): 130–146.

[70] "Is It Adieu to Ataturk?," *The Economist*, 18 December 1999, 43.

[71] "AB Hristiyan Kulübü [EU, A Christian Club]," *Radikal*, 14 January 2001.

[72] "AB'den Destek Yok, Doğu'ya Bak [No Support from the EU, Turn to the East]," *Hürriyet*, 7 March 2002.

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The Milli Görüş movement was initiated by Erbakan. In 1970, Erbakan and his followers founded the Milli Nizam (National Order) Party (MNP). The party was disbanded following the military coup d'état in 1971. In 1972, the former cadres of the MNP founded the Milli Selamet (National Salvation) Party. That party also was disbanded, by the military coup d'état in 1980. These parties were both accused of being antisecular. When its party was disbanded, the movement founded a new one, rather than protesting radically against the state. The movement has also had links with sociocultural institutions[73] (for example, the National Youth Foundation) and media outlets (for example, *Milli Gazete*).

In 1983, the Milli Görüş movement founded the Refah (Welfare) Party (RP). The RP gained influence in the 1990s in Turkish politics and was simultaneously strengthened by the nationwide rise of Islamic movements. It became increasingly successful in national elections with the support of the new Anatolian bourgeoisie and pro-Islamic media networks. It won the mayors' seats in Turkey's two largest cities, Istanbul and Ankara, in 1994. In the national parliamentary elections, the RP increased its share of the votes from 7.2 percent in 1987 to 21.4 percent in 1995 and became the leading party.[74] Erbakan became prime minister in 1996 in the RP-True Path Party (DYP) coalition.

Until the end of the 1990s, the Milli Görüş movement did not benefit from international opportunities. It was a national movement that sought a top-down transformation of society via politics, unlike the Gülen movement, which focused on a bottom-up transformation via education. The Milli Görüş movement was restricted by Turkey[75] and did not attempt to spread out to other countries by benefiting from international opportunities, nor did it see the international institutions and norms as an opportunity to be saved from state repression. Instead, it saw international institutions and norms as extensions of the Western hegemony that collaborated with the repressive state.

In addition to the lack of international opportunities, the intolerant normative framework of the movement, political Islamism, was shaping the movement's antiglobalization view. In the 1970s, the movement sought to lead the country's development of heavy industry.[76] That discourse was consistent with the personality of Erbakan, who was a professor of mechanical engineering and worked on the Leopard tank project in Germany. In the 1980s and early 1990s, the movement used a second discourse based on welfare policies, as empha-

[73] See Ali Bayramoğlu, *Türkiye'de İslami Hareket: Sosyolojik Bir Bakış* [The Islamic Movement in Turkey: A Sociological Perspective] (İstanbul: Patika, 2001), 64.

[74] M. Hakan Yavuz, *Islamic Political Identity in Turkey* (New York: Oxford University Press, 2003), 240.

[75] The Milli Görüş movement has also a branch in Germany. That branch, however, does not have a major impact on the movement's attitude toward globalization.

[76] Haldun Gülalp, "Modernization Policies and Islamist Politics in Turkey" in Sibel Bozdoğan and Reşat Kasaba, eds., *Rethinking Modernity and National Identity in Turkey* (Seattle: University of Washington Press, 1997), 59.

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sized in the title of its party (Welfare Party). Yet, during both of these periods, the Milli Görüş movement preserved the core of its normative framework—political Islamism. Moreover, anti-Westernism was a sine qua non for the movement.[77]

The RP, therefore, had a political Islamist and anti-Western agenda. It opposed Turkey's membership in the EU. The RP was planning to found an Islamic Union and to create an Islamic currency. In late 1996 and early 1997, Erbakan visited several Muslim countries as the prime minister, and tried to organize an Islamic Union. He succeeded in creating an international cooperation organization among eight Muslim countries, referred to as the D-8 (Developing Eight). This became a topic of debate between the Gülen and the Milli Görüş movements. Gülen defined D-8 as a vain project and a "very cheap message" to Erbakan's constituency.[78] Because of these types of disagreements, the Gülen movement did not support the RP. It continued to pursue the principle of political neutrality and to establish good relations with all political parties, including the leftist ones.

The February 28 "soft" coup in 1997 ended the RP-DYP coalition and substantially impacted the Milli Görüş movement. Erbakan was forced to resign in June, 1997.[79] The RP was dissolved, and Erbakan was banned from politics in 1998 by the Turkish Supreme Court. Shortly after that, the RP's mayor of Istanbul, Tayyip Erdoğan, was imprisoned for reciting a poem, and consequently banished from political life.

Following the February 28 coup, the Milli Görüş gradually divided into two groups—the elders, led by Erbakan, and the younger generation, led by Erdoğan. Because of state repression, both of these groups tended to see international institutions and norms as opportunities for protection of their rights. Erbakan, for example, appealed to the European Court of Human Rights to overturn the dissolution of the RP and his ban from politics by the Turkish Constitutional Court.

As the Milli Görüş movement attempted to benefit from international opportunity structures, the movement's discourse toward globalization became increasingly positive. After the closure of the RP, RP's parliamentarians founded the Fazilet (Virtue) Party (FP). The FP became "one of the keenest on Turkish membership of the EU,"[80] mainly because it hoped that membership would end the limitations on freedoms and restrict the role of the military in politics.[81] The

[77] İhsan D. Dağı, *Kimlik, Söylem ve Siyaset: Doğu-Batı Ayrımında Refah Partisi Geleneği* [Identity, Discourse, and Politics: The Tradition of Welfare Party in the Crossroads of the East and the West] (Ankara: İmge Kitabevi, 1998).

[78] Sevindi, *Fethullah Gülen ile New York Sohbeti*, 33.

[79] Michael M. Gunter, "The Silent Coup: The Secularist-Islamist Struggle in Turkey," *Journal of Asian and Middle Eastern Studies* 21 (Spring 1998): 11.

[80] "Ataturk's Long Shadow (Founder of Modern Turkish Nation-state)," *The Economist*, 10 June 2000, 3.

[81] Reşat Kasaba and Sibel Bozdoğan, "Turkey at a Crossroad," *Journal of International Affairs* 54 (Fall 2000): 18.

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FP also began to seek a dialogue with the United States. In 1999, the official leader of the FP, Recai Kutan, visited Washington to meet with American politicians and Jewish lobby groups.[82] The FP revised its discourse and started to emphasize democracy and the rule of law. In May 1998, Kutan, in a television interview, emphasized that this revision was the main difference between the RP and the FP. He explained that the latter stressed the promotion of democracy, human rights, and political freedom. He also stressed that the leaders of the FP "had learned from their experience in the last couple of years that democracy comes first—without it, nothing else can be accomplished."[83] As Ziya Öniş points out, the political program of the FP was substantially different from that of its predecessor, the RP. The RP had possessed a strong anti-EU view, referred specifically to Islam, stressed religious and social rights, attached importance to the central government, and emphasized the strong economic role of the state. The FP, however, favored Turkey's EU membership, referred to religious rights as part of a broader agenda on democratization, emphasized individual and human rights, attached importance to decentralization and local governments, and stressed the market economy and privatization.[84]

Despite the FP's democratic discourse, Turkey's Constitutional Court dissolved the party in 2001, arguing that it had become a standard-bearer against secularism by defending the right to wear a headscarf at universities and in the Turkish Parliament. This closure deepened the disagreement between the elders led by Erbakan and the younger generation led by Erdoğan. The elders were inclined to preserve political Islamism as the normative framework, whereas the young generation was for democracy. The followers of Erbakan founded the Saadet (Felicity) Party (SP), whereas those of Erdoğan founded the Adalet ve Kalkınma (Justice and Development) Party (AKP). The discussion about the EU became an important fault line between these two parties.

The SP returned to the anti-EU and antiglobalization discourse. Two factors were influential in this return. First, in 2001, the European Court of Human Rights rejected Erbakan's appeal of the Turkish Constitutional Court's dissolution of the RP and his ban from politics. This meant that international institutions and norms were not real opportunities for Erbakan and his new party. Second, the younger generation of the Milli Görüş, who were resisting the old political Islamist normative framework, were gone. The elder generation, led by Erbakan again, monopolized the Milli Görüş movement. They easily reemphasized political Islamism. In sum, the end of international opportunities and the return to an intolerant normative framework marked the movement's

[82] "Turkey's Islamists: The Reformers Make Their Bids," *The Economist*, 13 November 1999, 57.

[83] Quoted in Haldun Gülalp, "The Poverty of Democracy in Turkey: The Refah Party Episode," *New Perspectives on Turkey* 21 (Fall 1999): 54.

[84] Ziya Öniş, "Political Islam at the Crossroads: From Hegemony to Co-existence," *Contemporary Politics* 7 (December 2001): 281–298. See also Ziya Öniş, "Neoliberal Globalization and the Democracy Paradox: The Turkish General Election of 1999," *Journal of International Affairs* 54 (Fall 2000): 304.

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return to antiglobalizationism, thus supporting my two hypotheses. With its political Islamist discourse, the SP received only 2.5 percent of the national votes in the elections of 3 November 2002.

The younger generation of the Milli Görüş movement, however, abandoned their political Islamist views. In 2000, the two leaders of the younger generation, Erdoğan and Bülent Arınç, emphasized their pro-democratic ideas in interviews with *Zaman*, which was affiliated with the Gülen movement. Erdoğan stressed that he had "internalized democracy,"[85] and Arınç declared that they had no intention of founding an Islamic state.[86] A third leading figure, Abdullah Gül, contributed to that discussion by saying that a religious party was detrimental to religion itself.[87] Additionally, the members of the younger generation have participated in the above-mentioned Abant Workshops organized by the Gülen movement to discuss issues such as democracy and secularism.[88]

The AKP has become a leading supporter of Turkey's membership in the EU. In 2002, Erdoğan pointed to the EU as the only alternative political project for Turkey: "We support Turkey's EU membership for not remaining in a suburb of civilization as a backward country in a changing and globalizing world."[89] In the November 2002 elections, the AKP won 34.3 percent of the national votes and 363 of 550 seats in the Parliament. Erdoğan visited several European capitals to ask for support for Turkey's membership. During his long trip, Erdoğan argued that Turkey's membership would be the best response to the thesis of the "clash of civilizations."[90]

Why has the AKP developed a pro-globalization perspective? Let me explain this using my two hypotheses. First, it has benefited from international opportunities. Even after the November 2003 elections, the AKP was still in a legitimacy crisis. The Turkish establishment was accusing the AKP of hiding its Islamist agenda. Erdoğan was still banned from politics. Under these circumstances, the party received tremendous support from the EU countries and the United States. Erdoğan visited almost every member country of the EU, as only the chairman of a party, but was received as the elected leader of Turkey. Similarly, he met with President George W. Bush in the White House. In these visits, Erdoğan gained international leverage to solve the domestic legitimacy crisis. Finally, the Turkish Parliament amended the Constitution to allow Erdoğan to

[85] Erdoğan's interview with Eyüp Can, *Zaman*, 6 February 2000.

[86] Arınç's interview with Mehmet Gündem, *Zaman*, 6 February 2000.

[87] "Siyasal Islam Yol Ayrımında [Political Islam at the Crossroads]," *Hürriyet*, 8 February 2000.

[88] In addition to these politicians, one of the main thinkers of Islamism, Ali Bulaç, declared that political Islamism was dead. He called for a new "civil" Islamism. Interview of Ali Bulaç, *Aksiyon*, 7–13 November 1998.

[89] "Tayyip Erdoğan: Avrupa Birliğinden Yanayız [Tayyip Erdoğan: We Are for the EU]," *Zaman*, 10 March 2002.

[90] "Erdoğan AB ve Kıbrıs İçin Radikal 'Çözüm Paketi' Önerdi [Erdoğan Proposed a Radical "Solution Packet"]," *Zaman*, 21 November 2002.

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participate in politics, and Erdoğan became prime minister. Second, the AKP rejected political Islamism,[91] and identified its normative framework as "conservative democracy."[92] Erdoğan stresses that the AKP is not a part of the Milli Görüş movement, which is still affiliated with political Islamism.[93] In sum, as a result of international opportunities and the new tolerant normative framework—conservative democracy—the AKP has developed a pro-globalization view.

The role of the February 28 coup in the transformation of the Milli Görüş movement has been ardently debated in Turkey. My analysis argues that the February 28 coup played a role in this transformation by leading Islamic movements to search for alternative international opportunities and to criticize political Islamism. The theoretical implication of this argument is that changes in the opportunity structures have an impact on the normative frameworks of movements. Yet, the February 28 coup played only an unintentional and intervening role in the transformation of Islamic movements because different movements interpreted this coup differently.

## Conclusion

The diverse attitudes of Turkish Islamic movements toward globalization depend on two variables: opportunity structures and the normative frameworks of movements. The Gülen movement and the younger generation of the late Milli Görüş movement developed positive attitudes toward globalization because they benefited from international opportunities and they had tolerant normative frameworks (*Risale-i Nur* and conservative democracy). The Haydar Baş movement, the early Milli Görüş movement, and the elders of the late Milli Görüş movement developed antiglobalization views because they did not benefit from international opportunities and had intolerant normative frameworks (religio-nationalism in the first case and political Islamism in the second and third cases).

The present paper indicated that Islamic movements needed to be analyzed through the social movement literature, rather than so-called religious essentials. It showed the contextual diversity of Islamic movements in Turkey. Although these movements have shared the same religious heritage (Sunni Islam), they have formed different attitudes. These movements have modified their discourses according to changing circumstances. In this regard, their attitudes toward globalization and the West are contingent. The contingency of the

[91] The author's personal interview with an AKP Congressperson, September 2003, Ankara, Turkey. For the AKP's view on political Islamism and secularism, see Ahmet T. Kuru, "Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party" in M. Hakan Yavuz, ed., *Transition of Turkish Politics: The Justice and Development Party* (Salt Lake City: University of Utah Press, 2005, forthcoming).

[92] Yalçın Akdoğan, *Muhafazakar Demokrasi* (Ankara: AK Parti, 2003).

[93] "Erdoğan: Milli Görüş' ün Değil Demokrat Parti'nin Devamıyız [Erdoğan: We Are the Successor of the Democrat Party, not the Milli Görüş]," *Zaman*, 17 May 2003.

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relationship between Islamic movements and the West provides us with an optimistic vision for resolving current misunderstandings, prejudices, and conflicts.[94] The policy advice of the paper would be that international institutions should continue to provide opportunities to Islamic movements, which are repressed by their states, in order to integrate these movements into the process of globalization.

My contributions to the social movement literature are twofold. First, I explained the impact of globalization on domestic and international opportunity structures. Second, I provided a theoretical framework that combines structural and agency-based factors, on the one hand, and the impacts of interests and ideas, on the other. I stressed that opportunity structures are not the only determining factors in social movements. Although Islamic movements exist under similar conditions, they evaluate and perceive opportunity structures through the lenses of their normative frameworks. On the other hand, the changes in domestic and international opportunity structures impact the normative frameworks of movements. In sum, both normative frameworks and international opportunity structures shape a movement's attitude toward globalization, but neither is sufficient on its own. Therefore, analyses of social movements must have a process-oriented perspective that emphasizes the interaction between opportunity structures and the normative frameworks of movements.

This paper did not claim to provide an exhaustive analysis of Islamic movements and globalization. Some relevant issues, such as the relationship between Islamic movements' understandings of social justice and global capitalism, need further analysis.[95] Additionally, the paper did not touch upon the cultural aspect of globalization. Scholars have discussed whether globalization has implied a Western cultural hegemony.[96] The positions of Islamic movements on this discussion are another subject for future studies.*

[94] See Fred Halliday, "West Encountering Islam: Islamophobia Reconsidered" in Ali Mohammadi, ed., *Islam Encountering Globalization* (New York: Routledge Courzon, 2002), 21.

[95] See, for some Muslim concerns about global economic inequality, Ahmet Taşgetiren, "Öteki Küreselleşme [The Other Globalization]," *Yeni Şafak*, 23 July 2001; Ali Bulaç, "Küresel Yoksullaşma [Global Poverty]," *Zaman*, 10 July 2002.

[96] Ali A. Mazrui, "Pretender to Universalism: Western Culture in a Globalizing Age," *Journal of Muslim Minority Affairs* 21 (April 2001): 11–24; Robert J. Holton, *Globalization and the Nation-State* (New York: Macmillan Press, 1998), 161–205; Jonathan Xavier Inda and Renato Rosaldo, "Introduction: A World in Motion" in Jonathan Xavier Inda and Renato Rosaldo, eds., *The Anthropology of Globalization: A Reader* (Malden, MA.: Blackwell, 2002), 9–26; Ibrahim M. Abu-Rabi, "Globalization: A Contemporary Islamic Response?" *The American Journal of Islamic Social Sciences* 15 (Fall 1998): 26–33; Murad Wilfried Hofman, "Globalization and the Muslim Future," *Middle East Affairs Journal* 6 (Fall–Winter 2000): 5–18.

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# The Problem of Judicial Control in Africa's Neopatrimonial Democracies: Malawi and Zambia

PETER VONDOEPP

In November 2001, a High Court justice in the southern African country of Malawi issued an injunction against the speaker of the National Assembly, restraining him from removing seven opposition politicians from Parliament. The injunction left intact a fragile balance in the Assembly, where the government and its allies had a majority of seats, but lacked the two-thirds needed to amend the Constitution. This issue was of great importance, given the government's desire to change the Constitution to allow President Bakili Muluzi to run for a third term. The significance of the judge's action came into relief nine months later, when the government lost by three votes a proposed constitutional amendment changing term limits on the executive. Less than a year after the injunction, as Muluzi supporters continued efforts to change the Constitution to remove term limits, elements of civil and political society mobilized in a public campaign against the amendment. In response, Muluzi ordered a ban of all demonstrations regarding the third term. Yet hearing a petition months later, a High Court judge declared the ban unconstitutional, a move that both discredited the President and buoyed third term opponents.

The recent history of neighboring Zambia offers parallels to events in Malawi. In early 2001, President Frederick Chiluba began a push to amend the constitution so that he, too, could stand for a third term. And here as well, the courts played a key role in defeating the effort. For example, as opposition to the third term was mounting, the High Court overturned police efforts to halt a rally during which several prominent ruling-party politicians publicly challenged Chiluba's program to amend the constitution. In addition, a High Court justice in April of 2001 forbad Chiluba and his allies from expelling from the party those members who opposed amending the constitution.

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The actions by these judges underscore a key feature of political life in Malawi and Zambia since the onset of their respective periods of democratic rule. In both countries, judiciaries have displayed a striking tendency to render decisions that have challenged the interests of elected power-holders. To be sure, the courts have also rendered a number of decisions that have supported the aims of governments. But the overall pattern of judicial behavior suggests that judiciaries in these countries have neither behaved as government lapdogs nor served as very reliable allies.

On one level, these patterns of judicial assertiveness are important because they offer hope for those concerned about the success of new African democracies like Malawi and Zambia. As many observers have pointed out, most of Africa's "third-wave" democracies manifest contradictory tendencies that render both their current status and future prospects open to question.[1] One of the tendencies that has raised concern is that of excessive executive dominance of the political sphere.[2] The fear is that these polities might degenerate into situations in which checks and balances operate under duress, if at all, and power is centralized in the hands of an elected president. The experiences of Malawi and Zambia, however, point to situations in which judiciaries have checked such tendencies.

Beyond this, the patterns of judicial assertiveness raise a puzzle at a comparative level. As much of the literature on comparative judicial development points out, it is only under peculiar circumstances that governments develop interests in leaving intact the power of judiciaries.[3] Given the power of courts to undermine the policy objectives and staying power of those in government, most governments seek to rein in judiciaries. Indeed, studies of judicial politics in emerging democracies indicate that elected officials have been quite eager and often effective in enfeebling judicial institutions to the point that they no longer represent such a threat.[4] Yet in Malawi and Zambia, elected leaders have come up short in controlling their judiciaries. This is true despite the fact

[1] Jeffrey Herbst, "Political Liberalization in Africa after Ten Years," *Comparative Politics* 33 (April 2001): 357–375; Nicolas van de Walle, "Africa's Range of Regimes," *Journal of Democracy* 13 (April 2002): 66–79; Richard Joseph, "Africa, 1990–1997: From Abertura to Closure," *Journal of Democracy* 9 (April 1998): 3–17.

[2] Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective* (New York: Cambridge University Press, 1997), 259; Richard Sandbrook, *Closing the Circle: Democratization and Development in Africa* (New York: Zed Books, 2000), 104.

[3] See Mark Ramseyer and Eric Rasmusen, "Why are Japanese Judges so Conservative in Politically Charged Cases?," *American Political Science Review* 95 (June 2001): 332; and Jennifer Widner, "Building Judicial Independence in Common Law Africa" in Andreas Schedler, Larry Diamond and Marc Plattner, eds., *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, CO: Lynne Rienner, 1999), 180.

[4] See J. Michael Dodson and Donald W. Jackson, "Judicial Independence and Instability in Central America" in Peter H. Russell and David M. O'Brien, eds., *Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World* (Charlottesville, VA: University Press of Virginia, 2001), 251–272; or Todd Foglesong, "The Dynamics of Judicial (In)dependence in Russia" in Russell and O'Brien, eds., *Judicial Independence*, 62–88.

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that these leaders have had incentives to do so. The question that emerges is how we make sense of this situation: Why is it that these leaders have had such trouble controlling judiciaries?

Although focused on the experiences of Malawi and Zambia, the aims of this paper extend beyond the analysis of these cases toward the task of developing general theoretical insights into judicial politics in emerging democracies. As most scholars recognize, independent and assertive judiciaries are critical for democratic consolidation.[5] Yet the question of why and how such judiciaries develop remains open—this despite crucial advances that have been made by scholars in recent years.[6] The experiences of Malawi and Zambia offer a unique opportunity to conduct heuristic case studies on the conditions that can enable judicial assertiveness. The goal is to explore the problem of judicial control in these countries in an effort to develop theoretical insights that can be tested in further comparative research.[7] Because the analysis is based on two similar cases, the specific explanations offered are necessarily limited in their generalizability. However, the investigation of these cases presents novel and broadly applicable propositions that can be employed in future studies.

Examining the experiences of these countries, this paper focuses on the two sets of actors who, together, help to shape the nature of judicial politics: elected leaders and judges themselves. The key task is to illuminate the factors that have influenced the choices and behaviors of each. A central theme that I raise concerns the impact of the larger political environment on these actors.

Regarding elected leaders, my primary concern is with the nature of their efforts to control judiciaries. Here, I argue that the legacy and persistence of neopatrimonial politics in these systems has limited the range of techniques that they can use to manage judges. A key concept for students of African politics, neopatrimonialism describes situations in which political life revolves around a single individual who maintains power through patronage, force, and personal ties.[8] Ancillary features of neopatrimonial systems include high levels of donor dependence, weakly institutionalized political life, and a relatively high degree of fluidity in political allegiances.[9] The importance of these tendencies in Malawi

[5] Larry Diamond, "Consolidating Democracy in the Americas," *Annals of the American Political and Social Sciences* 550 (1997): 12–32; Bratton and van de Walle, *Democratic Experiments*, 248.

[6] See Gretchen Helmke, "The Logic of Strategic Defection: Court–Executive Relations in Argentina Under Dictatorship and Democracy," *American Political Science Review* 96 (2002): 305–320; Keith Whittington, "The Strategic Environment of Judicial Review," paper presented at the 97th Annual Meeting of the American Political Science Association, 31 August 2001, San Francisco, CA; and Tom Ginsburg, *Judicial Review in New Democracies* (New York: Cambridge University Press, 2003).

[7] Alexander George, "Case Study and Theory Development: The Method of Structured, Focused Comparison" in Paul Gordon Lauren, ed., *Diplomacy: New Approaches in History, Theory and Policy* (New York: Free Press, 1979), 43–67.

[8] Michael Bratton and Nicolas van de Walle, "Neopatrimonial Regimes and Political Transition in Africa," *World Politics* 46 (1994): 453–489.

[9] For elaboration, see Jean-Francois Bayart, *The State in Africa* (New York: Longman, 1993); Richard Sandbrook, *The Politics of Africa's Economic Stagnation* (New York: Cambridge, 1985).

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and Zambia becomes apparent as we examine the interventions that leaders have used to try to control judiciaries. Owing partially to the neopatrimonial character of these polities, several methods that might hypothetically be used to control judiciaries have been unavailable or infeasible. In turn, leaders have relied on methods of judicial control that have limited ability to rein in judges.

Turning to judges, attention focuses on why they, despite pressure from elected officials to do otherwise, would still render antigovernment decisions in political cases. I argue that certain features of the political and professional environments in these countries allow and encourage judges to operate from positions of neutrality in political cases. Of special importance is the extent of uncertainty over who will hold political power over the medium to long term. Given this uncertainty, overtly partisan or deferential behavior is a less effective strategy for ensuring career success and professional support than simply displaying high levels of competence, probity, and impartiality.

The theoretical conclusion is that when seeking to understand the potential for judges to assert themselves vis-a-vis governments, it is critical to consider the capacity of elected leaders to control judiciaries, the incentive structures that present themselves to judges, and how political conditions affect both of these. In some contexts, particularly neopatrimonial democracies with some level of political uncertainty, sitting governments may have very real problems controlling their judiciaries. This, in turn, may serve as the basis for the development of more independent and assertive judiciaries in these new democracies.

## Political Contexts and Judicial Dynamics: Leaders and Judges

The puzzle presented in this paper is twofold. First, why would leaders leave intact the power of judicial institutions that have the potential to undermine their political objectives? Second, why would judges who are under pressure to back the government in political cases continue to render decisions contrary to the interests of political officials? The literature on comparative judicial politics offers some guidance on these issues. One central theme concerns the importance of considering the nature of the political environments in which these actors are situated.

As much of the existing literature points out, the manner in which judiciaries develop is never far removed from the actions of individuals who occupy the other branches of government. Officials in the executive and legislative branches, armed with critical political resources, set the context within which judicial institutions operate. This is true even where there are constitutional protections for judiciaries.[10] Illuminating this point, several efforts to explain

[10] Matthew Stephenson, "When the Devil Turns . . .: The Political Foundations of Independent Judicial Review," paper presented at the 97th Annual Meeting of the American Political Science Association, 31 August 2001, San Francisco, CA, 5.

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varied patterns of judicial development—differing degrees of independence or the different functional emphases that courts undertake[11]—have successfully focused on the intentions and actions of rulers themselves.

In seeking to account for the actions of rulers vis-a-vis judiciaries, several scholars indicate that political conditions deserve attention. The reason is that political conditions shape the needs of leaders and hence the kinds of interests they have with respect to judiciaries. Neal Tate, for example, focuses on the actions of leaders of Asian "crisis regimes," who curtailed the scope and depth of judicial authority but still left intact the edifice of institutional autonomy. Leaders of these regimes had interests in reducing the power of judiciaries while preserving enough judicial independence to retain legitimacy and a means of punishing opponents.[12] Others, who have adopted choice theoretic frameworks, also focus on the political context, often in efforts to explain leader decisions to allow judicial independence. Some suggest that in contexts in which institutional power is dispersed, an independent judiciary serves as a means to control or monitor other locations of power. For example, executives may enhance judicial independence if it serves the end of controlling potentially uncooperative bureaucratic agencies[13] or undermining the power of regional governments operating under a federal system.[14] Others have highlighted the importance of political dynamics such as high levels of electoral competition. The uncertainty caused by such competition can encourage leaders to respect judicial independence for the sake of having an autonomous body that can check the power of government if they themselves are out of power in the future.[15]

While these insights are of prime importance for those seeking to comprehend comparative patterns of judicial development, there is nonetheless one shortcoming in this literature. Specifically, this literature argues that interests govern the extent and type of interventions that governments make vis-a-vis judiciaries, without adequate consideration of the capabilities of governments with respect to those institutions.[16] In the above view, situations of judicial independence are seen as tolerated by politicians as the necessary cost of realizing a more fundamental political objective. This fails to adequately appreciate that,

[11] Neal Tate and Stacia Haynie, "Authoritarianism and the Functions of Courts: A Time Series Analysis of the Philippine Supreme Court, 1961–1987," *Law and Society Review* 27 (December 1993): 707–740.

[12] C. Neal Tate, "Courts and Crisis Regimes: A Theory Sketch with Asian Case Studies," *Political Research Quarterly* 46 (June 1993): 311–338.

[13] Ramseyer and Rasmussen, "Why are Japanese Judges so Conservative," 332.

[14] Whittington, "The Strategic Environment of Judicial Review," 12–13.

[15] Mark Ramseyer, "The Puzzling (In)dependence of the Courts: A Comparative Approach," *Journal of Legal Studies* 23 (June 1994): 721–748. See also Ginsburg, *Judicial Review in New Democracies*, 25.

[16] One notable exception is the work of Georg Vanberg, which examines the political constraints on executive manipulation of the judiciary in the early days of the Federal Republic of Germany. See Georg Vanberg, "Establishing Judicial Independence in West Germany: The Impact of Opinion Leadership and the Separation of Powers," *Comparative Politics* 32 (April 2000): 333–353.

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in some situations, elected officials may not have effective means to control their judiciaries, their apparent interests notwithstanding. Much as different political contexts can shape interests, they can also place constraints on the choices available to elected officials.

The cases of Malawi and Zambia draw this out. The fact that judiciaries have retained some level of assertiveness vis-a-vis governments reflects less the interests of power-holders in judicial independence than the limited capacity of governments to control these institutions. As we comparatively review the techniques that governments have relied on to manage judiciaries, it becomes apparent that several techniques of control that have been successfully used in other contexts have been unavailable or unviable in these countries. Efforts to change institutional structures in a manner that enfeebles judiciaries have not been successful. Using removal and appointment powers to promote judicial loyalty has problems as well. Much of the reason for the inefficacy of these techniques lies in the neopatrimonial character of these polities. Certain features of these polities—notably, high levels of donor dependence, traditions of personal rule, and tendencies toward highly fluid political allegiances—have precluded the use and efficacy of these techniques. The methods that these governments have in turn relied upon to control judges fail to adequately shape the incentive structures that face justices who decide political cases.

Yet the problem of judicial control does not lie only in the limited means of control available to elected leaders. Judicial development reflects not only the actions of state leaders, but also the choices of justices themselves.[17] Indeed, evidence suggests that even where governments have solid mechanisms of controlling judiciaries, judges can still display surprising levels of assertiveness vis-a-vis other branches.[18] Further, even where the means of control do not vary, the behavior of judges still does. The question is why such behavior might vary across contexts.

Although there are a number of potential answers to this question,[19] one of the more compelling perspectives indicates that sizable insight can emerge from viewing judges as strategic actors. In this regard, their behavior is understood to reflect their rational calculations about how best to preserve institutional vitality and their careers.[20] A number of factors might inform such calculations. The institutions structuring judicial relations with other branches can be a prime influence, inasmuch as these shape the sanctioning and rewarding powers that elected officials have vis-a-vis judiciaries. Mark Ramseyer and Eric Rasmusen

[17] This point is aptly demonstrated in Jack Knight and Lee Epstein, "On the Struggle for Judicial Supremacy," *Law and Society Review* 30 (March 1996): 87–120.

[18] See Foglesong, "The Dynamics of Judicial (In)dependence"; and Helmke, "The Logic of Strategic Defection."

[19] See Kenneth Holland, ed., *Judicial Activism in Comparative Perspective* (New York: St. Martin's Press, 1991).

[20] See Ramseyer and Rasmusen, "Why are Japanese Judges so Conservative"; and Helmke, "The Logic of Strategic Defection."

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indicate that the deferential behavior of Japanese judges reflects government control over their career paths.[21] Yet one issue that also emerges as critical is the political environment in which judges are situated. Conditions in the environment send signals to judges about the likelihood of being sanctioned or rewarded by those in other branches. This, in turn, shapes their behavior. Matias Iaryczower, Pablo Spiller, and Mariano Tommasi show that Argentine judges have been more likely to render antigovernment decisions when power is dispersed between the executive and the legislature and the ability of leaders to sanction judges has been minimized.[22] Similarly, Gretchen Helmke demonstrates that periods of expected electoral turnover lead to patterns of "strategic defection" among judges. Fearing sanctions from incoming governments, judges render decisions that support those governments, turning their backs on the incumbent government whose policies they may actually support.[23]

These perspectives offer insight into the behavior of Malawian and Zambian judges. As we consider the incentives, risks, and rewards that they encounter, it becomes apparent that they face disincentives to toeing the line in the cases that come before them. Conditions in their political and professional environments actually encourage judges to embrace positions of neutrality in rendering decisions. One key issue is the relative level of uncertainty in the political environment. Given this condition, overtly partisan or deferential behavior is a suboptimal strategy for career protection. By remaining neutral and professional, judges retain credibility with their professional community and other actors—including future leaders—who may have some say over career prospects.

## The Problem of Judicial Control: The Evidence

Since the onset of democratic rule in the early 1990s, judiciaries in Malawi and Zambia have been repeatedly asked to render decisions in cases with major implications for political life. For instance, judiciaries in both countries have tried former leaders who have represented the opponents of sitting governments. Both have had to define the extent to which the state can suspend civil liberties in the interests of public order. Both have been asked to decide cases regarding the activities and authority of the legislature. And both have been asked to decide the ultimate outcomes of national elections.

Given this situation, elected officials have surely had some interest in controlling these institutions. Yet the evidence suggests that governments in Malawi and Zambia have been less than successful in realizing that control. Even where governments have had substantial interests in the outcomes of court cases, judges have been willing to render decisions against the government.

[21] Ramseyer and Rasmusen, "Why are Japanese Judges so Conservative."

[22] Matias Iaryczower, Pablo Spiller, and Mariano Tommasi, "Judicial Independence in Unstable Environments, Argentina 1935–1995," *American Journal of Political Science* 46 (October 2002): 699–716.

[23] Helmke, "The Logic of Strategic Defection."

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An overview of court decisions in political cases from each country during the first ten years of democratic rule in each helps to illuminate this. The primary sources for data on such decisions are records of court cases that have been collected by faculty from the departments of law at these countries' leading universities. These have been supplemented by newspaper reports from these countries that discuss court decisions in specific cases.[24] Drawing from these sources, the author distinguished as "political" those cases whose outcomes had implications for the abilities of governments to exercise or retain power, or had any impact on the political fortunes of actors in civil and political society. Using this conceptualization allowed the inclusion not only of cases to which government or government figures were a party (the vast majority), but also those in which government interest was simply apparent. The dataset thus includes a broad number and variety of political cases, all of which were of interest to state power-holders and their opponents.

In the tables below, the outcomes of court cases are divided according to whether decisions were in support of or against government interests. In addition, cases are categorized on the basis of the level of government interest. These assessments are based on independent appraisals of each case by the author and one informed observer from each of these countries. For each country, both the author and the observer offered independent evaluations of the level of interest the government would likely have had in specific cases. Thereafter, differences between the respective codings were reconciled.[25] The assessments offer a perspective, albeit imperfect, on whether and how court decisions vary with the level of government interest in the case.

Tables 1 and 2 present data from Supreme Court cases in each country. In both countries, Supreme Courts are final courts of appeal and the highest point of judicial authority. In Zambia, the Supreme Court can exercise original jurisdiction over cases, whereas in Malawi, it cannot.

The patterns of Supreme Court decisions are relatively similar in both countries. In both, there is evidence of deference to the government as the level of government interest in a case increases. Indeed, nearly all of the cases in which governments had a "very high" interest were decided in their favor. However, the tables also suggest that the courts have taken an independent and assertive role. In each country, a significant portion of court decisions have gone against the government. And several of these cases were of considerable political significance, even if they were not of "very high" interest to the government. These include a decision by the Zambian Supreme Court to overturn a lower court decision that denied citizenship to former President Kenneth Kaunda, and a decision by the Malawian Supreme Court to disallow a parliamentary decision

[24] Given the problems in record-keeping at courts in both of these countries, as well as the sporadic and imprecise character of newspaper coverage, it is difficult to assert that these data represent the complete record of political cases in each country for the periods considered. At that, there is little reason to suspect that more than a small number of cases have not been included.

[25] These assessments, along with lists of all the cases included in the dataset, are available on request.

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TABLE 1

*Zambia: Supreme Court Decisions in Political Cases (1992–2001)*

| *Government Interest* | *Progovernment* | *Antigovernment* |
|---|---|---|
| Modest | 5 | 6 |
| Moderate | 4 | 4 |
| High | 7 | 5 |
| Very High | 9 | 1 |

to suspend the salaries of opposition party members who boycotted the National Assembly.[26] Moreover, in each country, Supreme Courts decided against the government in cases that were of "very high" interest.[27]

Judicial assertiveness is also evident at the High Courts. In both countries, High Courts have original jurisdiction, and it is here that most cases originate. In nearly all cases, decisions are rendered by single justices, this in contrast to Supreme Courts where panels of justices make decisions. Importantly, although decisions at High Courts are subject to appeal, they are still significant. For one, High Court rulings can give tactical victories to opposition politicians. In both countries, for example, High Court decisions on the legality of demonstrations gave permission to opposition forces to hold political rallies, which these forces promptly took advantage of. Further, if High Court justices decide against the government and offer excellent judicial reasoning to support those decisions, they raise the costs to the Supreme Court of overturning those decisions. Finally, High Court decisions can represent important public relations victories for the political opposition. For example, in both countries, High Court decisions to acquit opposition figures have resulted in major political rallies as released politicians were paraded around urban centers in celebration.

TABLE 2

*Malawi: Supreme Court Decisions in Political Cases (1994–2003)*

| *Government Interest* | *Progovernment* | *Antigovernment* |
|---|---|---|
| Modest | 2 | 3 |
| Moderate | 5 | 3 |
| High | 7 | 2 |
| Very High | 5 | 2 |

[26] The specific cases referred to here are, for Zambia, the "Kaunda Citizenship Case," which originated in the High Court Case, *Mushota and Katyoka vs. Kenneth Kaunda and the Attorney General* (1998); and, for Malawi, *Attorney General vs. Masauli* (Misc. Civil Appeal No. 28 of 1998).

[27] The specific cases in question here are, for Malawi, *Director of Public Prosecution vs. Banda and Others* (Misc. Civil Appeal No. 21 of 1995) and *Hon. J. Z. U. Tembo and Hon. Kate Kainja vs. Attorney General* (Misc. Civil Appeal No. 50 of 2003); for Zambia, *Christine Mulundika and Seven Others vs. the Attorney General* (Supreme Court Judgment No. 25 of 1995).

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TABLE 3

*Zambia: High Court Decisions in Political Cases (1992–2001)*

| *Government Interest* | *Progovernment* | *Antigovernment* |
|---|---|---|
| Modest | 10 | 12 |
| Moderate | 13 | 8 |
| High | 7 | 11 |
| Very High | 8 | 4 |

Tables 3 and 4 display decisions at the High Courts in Zambia and Malawi. In terms of the overall proportions of court decisions that have gone against the interests of government, the patterns in High Court decisions are even more striking than those observed for the Supreme Courts. The tendency to render antigovernment decisions where the government has an elevated level of interest appears to be a bit greater in Malawi. However, even in Zambia, High Court justices display a willingness to issue decisions contrary to the interests of power-holders.[28]

One question that emerges is whether this behavior signals some level of emerging judicial independence. This issue needs to be treated with caution. As understood in much of the literature, "judicial independence" refers to situations in which judiciaries operate with a level of autonomy and insulation from the political sphere.[29] Accepting this, it would be quite problematic to suggest that these judiciaries enjoy "independence." As I detail, there have been consistent efforts by political leaders to influence judges and interfere with these institutions—so much so that the view of many lawyers is that judicial independence is quite compromised. Further, given the complexity of judicial independence as a phenomenon, some scholars have argued that it is only imperfectly reflected in the patterns of court decision making.[30] Indeed, Todd Foglesong's work on the Russian courts indicates that judicial frustrations with a lack of independence can actually elicit antigovernment behavior.[31]

TABLE 4

*Malawi: High Court Decisions in Political Cases (1994–2003)*

| *Government Interest* | *Progovernment* | *Antigovernment* |
|---|---|---|
| Modest | 16 | 12 |
| Moderate | 10 | 15 |
| High | 5 | 11 |
| Very High | 3 | 4 |

[28] For a corroborative view of the Zambian courts, see Siri Gloppen, "The Accountability Function of Courts in Tanzania and Zambia," *Democratization* 10 (Winter 2003): 112–136.

[29] Christopher Larkins, "Judicial Independence and Democratization: A Theoretical and Conceptual Analysis," *The American Journal of Comparative Law* 44 (Fall 1996): 605–626; Peter Russell, "Toward a General Theory of Judicial Independence," in Russell and O'Brien, eds., *Judicial Independence*, 1–24; and Widner, "Building Judicial Independence."

[30] Widner, "Building Judicial Independence," 178.

[31] Foglesong, "The Dynamics of Judicial (In)dependence," 62.

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Rather than suggest, then, that these decision-making patterns reflect judicial independence, I argue that they simply bespeak a lack of control over judges by elected officials. To be sure, these patterns might contribute to the development of norms and precedents within the judiciary that encourage judicial independence. The key issue at this point, however, is that the lines of control have been limited. And the key task is to explain this. The sections below undertake this task, focusing, respectively, on the constraints on elected leaders and the incentive structures facing judges.

## Strategies for Judicial Control in Neopatrimonial Democracies

One of the first questions that emerges concerns why elected leaders in these countries have failed to control judiciaries in a manner that minimizes their tendency to render antigovernment decisions. The record of government responses to such decisions certainly suggests that the judiciary has been a great source of frustration. Antigovernment decisions have been met in parliaments by admonishments and calls for the impeachment of judges. Executives have accused judges of overstepping their authority, have threatened to ignore decisions, and have reminded judges that they are not immune from public attacks. If the judges have been so irksome, why have politicians not done more to control them?

Drawing from the literature, one explanation might be that leaders have voluntarily surrendered control of these institutions in order to achieve some other political objective. That is, the interests of elected officials have led them to leave intact the authority and autonomy of the judiciary. Political uncertainty might be seen as a reason for this. In both Malawi and Zambia, there has been some expectation of electoral turnover in place. As described, other scholars have suggested that this can create incentives for elected officials to allow the institutions to remain independent.

However, although this explanation seems plausible at face value, it runs into problems when applied here. It fails to recognize that African leaders, even in new democracies, find themselves in the equivalent of an "end-game" scenario when in office.[32] Reflecting the neopatrimonial character of politics, state power remains the primary road to wealth and security. Loss of the statehouse places both at risk. The record of incumbent leaders ousted via electoral processes confirms this. Once ousted from power, former presidents in Zambia and Malawi were stripped of key economic resources and became targets of their governments, ranging from being charged with criminal malfeasance to, in the case of Kenneth Kaunda of Zambia, being shot by police officials. Given this situation, elected leaders have tended to focus on retaining power, rather than on achieving policy continuity and curtailing government excesses once out of power.

Further, the record from these countries indicates that leaders have been quite willing to undermine the independence of judiciaries, but that they have

[32] This borrows from Ramseyer, "The Puzzling (In)dependence of the Courts," 743.

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come up short in doing so. As I describe below, for example, the Chiluba administration in Zambia sought at one point to amend the Constitution in a manner that would have utterly enfeebled the judiciary, rendering the institution powerless to check his or future governments. Ironically, once out of power, he benefited from the power of the judiciary to review legislative actions such as the stripping of his immunity—powers that his administration had intended to remove. Malawi's leadership was less overt, but as I detail, has certainly attempted to undermine judicial independence.

Rather than focus on interests then, I suggest that it is more critical to examine the means that these government have had—and not had—at their disposal to control these institutions. As we consider the types of interventions that governments have utilized to manage judiciaries, it becomes apparent that leaders in Malawi and Zambia have had a limited repertoire of techniques to rely upon. Methods of judicial control that have been used in other contexts have not been viable for these governments. Part of the reason for this lies in the neopatrimonial character of these democracies.

### *Paths Infeasible: Institutional Restructuring and Personnel Control*

As the literature on comparative judicial politics details, there are a variety of techniques that leaders can employ to try to control judiciaries.[33] Those that have effectively corralled their judiciaries have tended to rely on two such techniques: institutional restructuring and personnel control.

The strategy of institutional restructuring involves altering the rules that govern the authority of the judiciary in a manner that enfeebles the institution. Tate's research on crisis regimes, for example, indicates that certain governments used this strategy to preserve the image of a constitutionally independent judiciary, while minimizing its potential to interfere with regime goals. By setting up parallel judicial structures (special tribunals, for example) to handle certain types of cases, these governments effectively limited the scope of judicial authority. Such governments also declared that some types of government actions (special decrees, for example) were unchallengeable by the courts, thus minimizing their ability to check the other branches.[34] Other governments may be more direct with such efforts. As Peter Russell argues, even in liberal democracies, judiciaries are vulnerable to the "power of legislatures to create, modify, and destroy judicial structures."[35]

For new African democracies, however, institutional restructuring is relatively outside the realm of the possible. As mentioned earlier, one of the long-standing features of neopatrimonial polities is high levels of donor dependence.

[33] See Peter Russell, "Toward a General Theory."
[34] C. Neal Tate, "Courts and Crisis Regimes."
[35] Russell, "Toward a General Theory," 13.

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Yet this reliance on donors does not come without strings attached. Of special importance, donors have demanded that recipient governments at least retain the façade of liberal democratic governance. This demand for "presentability," suggests Richard Joseph, represents a key force shaping regime-level politics in Africa.[36] One aspect of being a "presentable" democracy is retaining the formal appearance of a judiciary with some level of autonomy and authority. Efforts to alter the rules in a manner that circumscribes or enfeebles the judiciary are likely to be met with donor disapproval and even threats to withhold support.

A clear instance of this dynamic took place in Zambia in 1996, when the government of the Movement for Multiparty Democracy (MMD) sought to pass a set of constitutional amendments. Although initiated under the guise of updating the Constitution to reflect the change from a one-party to a multiparty system, the amendment bill the government submitted to Parliament was clearly intended to enfeeble political opponents and concentrate power in the hands of elected leaders. With respect to the judiciary, the government's proposals sought to both limit the authority of the institution and give the executive greater control over judges. For instance, the government's proposed revisions included a clause stating that every act that the National Assembly passed should be presumed constitutional, and that "no judicial inquiry into legislative motives or into the regularity of the legislative process" could be used to challenge such acts.[37] Further, the government sought to increase the power of the president to remove High and Supreme Court justices.

Donors, opposition, and civil society mobilized against these and several other of the government's proposed amendments. And although many of the more problematic and contentious clauses were left in the final draft bill brought before Parliament, those concerning the judiciary were removed. The protests of donors, informed observers maintain, were central to the MMD decision to remove the clauses concerning the judiciary.[38] Notably, this was not the first time that donors had pushed the government to retreat from positions that ran counter to their concerns.[39]

A second strategy that has proven successful involves controlling personnel on the judiciary. Here, the focus is less on reshaping the institutional authority of the courts than on controlling who gets to sit on judicial benches. Presumably, stacking the courts with allies decreases the probability of judiciaries making decisions contrary to government interests. Christoper Larkins, for example, describes the actions of the Menem government in Argentina, which effectively

[36] Joseph, "Africa: 1990–1997," 4.

[37] *Economist Intelligence Unit, Zambia Country Report*, 1996 (2nd Qtr): 7.

[38] See David Simon, "The First Decade of Zambia's Third Republic: Democracy Unrealized" in Leonardo Villalon and Peter VonDoepp, eds., *The Fate of Africa's Democratic Transitions* (Forthcoming).

[39] See Neo Simutanyi, "The Tendency Towards One Party Dominance: Democratic Struggles and the Electoral Process in Zambia," paper prepared for USAID Zambia and Michigan State University, 13 March 1997.

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reined in a potentially uncooperative Supreme Court by adding four new members to the bench (all of whom supported the government) and forcing the retirement of several others who were potential opponents.[40] Ramseyer indicates that similar tactics were used by governments in interwar Japan—part of which were facilitated by changes to the rules concerning the removal and appointment of judges.[41]

Using a personnel strategy to control judiciaries is possible if two conditions are in place. The first is the ability to remove judges who are prone to render antigovernment decisions. The second is the capacity to appoint judges who are, and will remain, loyal to power-holders. In Malawi and Zambia, owing partially to the neopatrimonial character of politics, neither condition obtains.

With respect to removal powers, in both Malawi and Zambia, justices enjoy relative security of tenure that inhibits governments from removing them at will. And, as described above with respect to Zambia, governments that try to change the rules of removal are likely to encounter protests from donors. This is not to suggest that governments have not attempted to remove justices. In both countries, judges may be removed for reasons of incompetence or misbehavior, and this has offered one potential means for governments to manage judicial personnel.[42] However, even here, the ability of governments to rid the judiciary of irksome justices has been limited.

The story of efforts to impeach three judges in Malawi is suggestive. Reacting to a series of antistate decisions, the ruling party in 2001 attempted to initiate impeachment proceedings in Parliament against three High Court judges.[43] The effort failed, largely because of the pressure that the judiciary and its allies exerted on the government. For example, when the justices were summoned by Parliament to hear the charges against them, the judiciary acted to protect its own. The chief justice requested that the speaker of Parliament withhold debate on the removal of the justices and allow the Judicial Service Commission to conduct independent investigations. Later, after a motion advocating removal of the justices was forwarded, a High Court justice granted an

[40] Christopher Larkins, "The Judiciary and Delegative Democracy in Argentina," *Comparative Politics* 30 (July 1998): 423–443.

[41] Ramseyer, "The Puzzling (In)dependence of the Courts," 737–738.

[42] In both countries, justices may be removed on the grounds of incompetence or misbehavior. In Zambia, the president may suspend a judge, but must then establish a tribunal that can examine the case and advise the president on the issue of removal. In Malawi, motions for removal must be debated and passed by a majority in the Parliament. Once this process is complete, the president, in consultation with the Judicial Service Commission, may remove the justice. Further, in the Malawian case, the removal of a justice must proceed in accordance with principles of natural justice.

[43] According to Malawi's Constitution, the National Assembly does not have the authority to independently remove judges. In this context, ruling party members raised a petition that recommended that the president proceed to impeach the judges.

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injunction restraining Parliament from debating the motion. The subsequent ignoring of the injunction gave an image of lawlessness to the proceedings in Parliament. In turn, the national magistrates and justices association issued a sharp critique and allegedly considered going on strike to oppose Parliament's actions.[44] Moreover, key elements of civil society decried the intimidation of the justices.

Perhaps the most important voice, however, came from international actors concerned over Malawi's adherence to norms of democratic "presentability." In the wake of the parliamentary attacks on the three justices, major donors—the Swedish, British and Danish governments—publicly raised concerns about the interference with the judiciary.[45] When the Danes removed their aid mission to Malawi in February of 2002, they specifically criticized the assault on judicial independence.[46] Prominent bodies such as the International Commission for Jurists and the International Bar Association sent investigative missions to Malawi, visits that certainly did not help the international image of the regime. The eventual decision of the President to "pardon" all three justices is widely attributed in Malawi to the efforts of the international community.

The ability of governments to use appointment powers to control personnel is also limited. The reasons are twofold. First, the ability to appoint allies to judicial benches hinges on having an adequate supply of candidates for office from which to choose and on having sufficient information about the political leanings of these individuals. In both Malawi and Zambia, this situation only obtains with respect to government efforts to appoint individuals to Supreme Courts. Supreme Court justices are most often chosen from the High Court bench. Previous decisions by these judges offer a fairly good gauge of a judge's political loyalties or willingness to upset the status quo.

At the High Court level, the issue is more problematic. In both countries, the executive approves selections to the High Court recommended by judicial service commissions. Yet the ability to approve only government loyalists is limited. On the one hand, the talent pool of eligible judges is limited. In both countries, constitutions specify that only lawyers who have been practicing for ten years are eligible for appointment. What this has meant, for the bulk of these countries' democratic histories, is that only individuals who received their training during the previous nondemocratic regime have been eligible for appointment. Yet under the personalist regimes that preceded the democratic era, legal practice as a profession remained quite undeveloped. As a result, the number of individuals who have had the requisite training and experience to

[44] "Judges Threaten to Close Courts," *Nation* (Blantyre), 14 November 2001.

[45] "Donors Petition Speaker on Judges," *Daily Times* (Blantyre), 9 November 2001; "Norway, Sweden Meet on Democracy," *Nation* (Blantyre), 9 November 2001.

[46] "Jurists Condemn Hearing: Get World Support," *Daily Times* (Blantyre), 1 February 2002; see also, "Malawi–Danish Cleavage Deepens," *Afrol News*, 8 February 2002, accessed on the website www.afrol.com/News2002/maw003_danish_aid.htm, 12 October 2002.

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be eligible for judicial appointment in the democratic era has been quite small. These small numbers of eligible appointees have decreased the abilities of governments to successfully politicize appointments to the bench. Indeed, one pro-government Malawian attorney mentioned to the author that the reason that more party loyalists had not been appointed to the bench is that they were simply too young.

On the other hand, governments may not have sufficient information about the political leanings of individuals nominated by the respective judicial service commissions. Nominees may have records of decisions as magistrate judges, or they may have established records of trial and case experience as lawyers. But these types of information are rarely sufficient for discerning the political loyalties of those nominated to the High Court. This problem is compounded by the relative weakness of ideological markers in the polity—reflecting legacies of highly personalized political life wherein patron–client ties, not ideological commitments, have formed the basis of political allegiances.[47] The end result is that, in contrast to other contexts, the ideological identifications that might serve as a signal of political loyalty are much less visible and salient in Zambia and Malawi.

Second, the successful use of appointments to manage judiciaries hinges on appointees remaining loyal to power-holders who appoint them. The dilemma is that political loyalties can be as instrumental as they are ideological or affective. Even if loyalists can be found and appointed, they may not remain loyal in the future. Helmke's work puts this into relief. As she demonstrates, despite their presumed partisan coloring, justices are also strategic actors. In Argentina, periods of expected transition from one government to another have been characterized by more antigovernment decisions by the Supreme Court. Importantly, this pattern of "defection" was also evident during the Menem government. Thus, despite the efforts of a government to pack courts with its supporters, such supporters may defect when the fortunes of that government turn.[48]

There is every reason to suspect that this dilemma of retaining loyalty is especially acute in polities with traditions of neopatrimonial politics. Perhaps reflecting the absence of clear ideological markers within political society and, concomitantly, the relative fluidity of political life in general, instrumental allegiances have tended to characterize elite-level political interactions. As several scholars have observed in regard to African politics, political friendships and animosities often change in surprising ways in the jockeying for power that occurs in these systems.[49] The one exception has been those instances in which

[47] See Sandbrook, *The Politics of Africa's Economic Stagnation*; Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Bloomington: Indiana University Press, 1999).

[48] Helmke, "The Logic of Strategic Defection"; see also Gretchen Helmke, "Checks and Balances by Other Means: Strategic Defection and Argentina's Supreme Court in the 1990s," *Comparative Politics* 35 (January 2003): 213–230.

[49] Goran Hyden, *No Shortcuts to Progress: African Development Management in Perspective* (Berkeley: University of California Press, 1983), 46; Sandbrook, *The Politics of Africa's Economic Stagnation*, 92.

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TABLE 5

*Decisions by Malawi High Court Justices by Appointment Period*

| | *Progovernment Decisions* | *Antigovernment Decisions* |
|---|---|---|
| Judges appointed prior to 1994 ($N = 6$) | 9 | 10 |
| Judges appointed in 1994 ($N = 5$) | 10 | 15 |
| Judges appointed after 1994 ($N = 9$) | 13 | 13 |

ethnic affinities have created a basis for relatively durable political blocs. But in many cases, co-ethnics have proven quite capable of falling into opposing political camps.

The phenomenon of instrumental allegiances has certainly typified politics in Malawi and Zambia in both the democratic and predemocratic eras.[50] Although ethnicity has provided a basis for political mobilization in both, in neither has it served as the basis for enduring divisions among the political elite.[51] During the democratic era, a variety of ethno-regional groups have been represented among the cliques that have constituted the ruling and opposition elite; and disputes among the top players have occurred as much between co-ethnics as they have among members of different ethnic groups. Rather than fixity in political allegiances, politics has been characterized by frequent cabinet shuffles, on-again/off-again political marriages, and shifting alliances. As such, these countries have exemplified the neopatrimonial condition in which the ability to ensure the long-term loyalties of those appointed to positions of power is limited. This further limits the prospects of leaders effectively using appointment powers to control their judiciaries.

Indeed, evidence suggests that appointment powers have been quite ineffective in helping governments realize control over judiciaries. Table 5 shows the distribution of Malawian High Court decisions (for or against the government) by the appointment period of the judges who made the decisions (for cases for which such information was available).[52] The judges were separated into one of three categories: those appointed under the previous authoritarian

[50] See Kenneth Good, "Debt and the One-Party State in Zambia," *Journal of Modern African Studies* 27 (June 1989): 297–313; and Simon, "The First Decade . . ."; T. David Williams, *Malawi: The Politics of Despair* (Ithaca, NY: Cornell University Press, 1978); and Peter VonDoepp, "Institutions, Resources and Elite Strategies" in Villalon and VonDoepp, eds., *The Fate of Africa's Democratic Transitions* (Forthcoming).

[51] On ethnicity in Zambia, see Daniel Posner, "The Colonial Origins of Ethnic Cleavages: The Case of Linguistic Divisions in Zambia," *Comparative Politics* 25 (January 2003): 127–146; on Malawi, see Deborah Kaspin, "The Politics of Ethnicity in Malawi's Democratic Transition," *Journal of Modern African Studies* 33 (December 1995): 595–620.

[52] Data are not yet available for Zambia.

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regime of Kamuzu Banda (pre-1994); those appointed in the first year of the democratically elected government of Bakili Muluzi (1994); and those appointed after Muluzi's first year (post-1994), presumably after some level of political learning about the power of the judiciary had occurred.

As is clear, antigovernment decisions are relatively equally distributed among the three groups of justices. Indeed, antigovernment decisions appear no less likely to emerge from judges appointed post-1994 by President Muluzi than from those appointed by his predecessor. The viability of a strategy of personnel control seems even more suspect in this light.

### *Paths Taken: Strategies for Control in Malawi and Zambia*

Because neither institutional restructuring nor personnel controls have been viable options, governments in Malawi and Zambia have used other measures to try to control the courts. Three particular strategies of control have been apparent. Perhaps the most common is to use what Peter Russell terms "direct approaches." In this respect, governments attempt to manage judiciaries by targeting the interests of judges as individuals, offering specific rewards and punishments to either entice or scare them into supporting the government.[53] Patronage represents a central, but less visible, means employed in this respect. In both countries, stories circulate about justices who have received favors from executives in return for political fidelity. "Money changed hands" is a claim that is often articulated when lawyers and even judges seek to account for inexplicable decisions by justices in cases in which government had a paramount interest. The most definitive example comes from Zambia. In June of 2002, evidence surfaced that the chief justice had received $168,000 from the Chiluba government. As a result of the allegations, the chief justice was forced into retirement and became the subject of a criminal investigation.[54]

The lines of influence can entail more than direct payouts, and can involve the government providing, and retaining the power to withdraw, economic resources. In Malawi, several judges are alleged to hold government-allocated sugar distribution quotas that allow them to engage in the lucrative trade for the commodity. Indeed, a list of registered sugar distributors provided in a report by a Malawian nongovernmental organization lists persons of the same name and home area as the former chief justice and his wife.[55] The latter has also held the chairmanship of a government parastatal.[56] Both distribution quotas and jobs can be revoked in the event that loyalty to the government is aban-

[53] Russell, "Toward a General Theory," 20.

[54] Sheikh Chifuwe and Reuben Phiri, "Zambians Are Distressed by the Money I Received, Says Chief Justice Ngulube," *The Post* (Lusaka), 29 June 2002.

[55] Consumer Association of Malawi. *Study of the Distribution, Pricing, and Consumption of Sugar in Malawi.* Issued December 1997.

[56] *Malawi News Online* (29) 5/7/97, accessed on the website www.sas.upenn.edu/African_Studies/Newsletters/mno29.html, 12 October 2002.

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doned. Finally, several justices are alleged to owe significant debt to government-backed finance programs.

Governments have also used threats against judges. For example, despite constitutional protections in both countries for security of tenure for High and Supreme Court judges, governments have threatened justices with removal on charges of incompetence and misbehavior. In Zambia in 1996, for example, the entire bench became the target of attack after the Supreme Court declared that sections of a "public order" law were illegal. Days after the decision, the legal affairs minister admonished the justices in Parliament, backed by calls for the resignation of the chief justice from ruling party members of Parliament.[57] In Malawi, before the effort to impeach justices in 2001, members of Parliament had several times attacked and called for the removal of High Court justices who had decided against the government.[58] Government efforts have also involved attacks on the reputations of judges. "Politicians," explained one Zambian judge, "can destroy you in ways other than by removing you."[59] Shortly after the Zambian Supreme Court decided against the government in the case of the public order act just mentioned, the chief justice was accused of raping a domestic servant. Many believe that the accusation emanated from the Statehouse—an effort to both punish the chief justice and send a message about the potential consequences of his court taking an antigovernment line.[60] Several Malawian judges similarly articulated fears of having their reputations tarnished by politicians who controlled public platforms.

Closely related to these direct approaches is a second, subsidiary, strategy that involves using control over judges' remuneration. This is especially true in Zambia, where the power to increase (but not decrease) salaries for justices is controlled by the president. In Malawi, such powers are shared with the legislature. One of the biggest increases of judicial salaries in Zambia took place in 1997, when the Supreme Court was hearing a case on the legality of incumbent Frederick Chiluba's candidacy and election to the presidency in 1996—a case brought by the political opposition. The awarding by the President of large salary increases to judges enraged the opposition, which claimed that the individual who stood to lose the most from the case had been able to buy off the justices through salary increases. The case was ultimately decided in favor of the government.

[57] "Chief Justice Must Go–Demand MMD MPs," *The Post* (Lusaka), 26 January 1996.

[58] See "Judiciary Comes Under Attack," *Malawi News Online*, 19 December 1996, accessed on the website www.sas.upenn.edu/African_Studies/Newsletters/mno21.html, 7 October 2002; "Court Ruling Shocks Ministers," *Africa News Online*, 26 October 1997, accessed on the website www.africanews.org/south/malawi/stories/19971026.html, 23 May 2000; and "Malawian Parliament at Odds with Judiciary," *Panafrican News Agency*, 30 September 2000, accessed on the website web.lexisnexis.com/universe/document?_m=a2faec0c4547bac1323415a524f89c82&_docnum=66&wchp=dGLbVzz-zSkVb&_md5=49dd8464086ca21cd2677ce3aae35b10, 12 April 2003.

[59] Interview with Zambian judge, August 2002.

[60] "Judges Jump to Ngulube's Defense," *Times of Zambia* (Lusaka), 18 September 1996.

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Finally, governments in both of these countries have attempted to use administrative controls to manage the power of the courts.[61] Here the line of control lies in the power that chief justices can exert within their judiciaries on behalf of governments. Central to this is the chief justices' authority, in both Malawi and Zambia, to determine who is allocated which case at the High Court, and which justices sit on cases at the Supreme Court. If governments can control chief justices, and if the justices effectively exert their authority, the government obtains an important mechanism for managing court decisions in political cases.

There is certainly a perception that governments have influence over chief justices in these countries. The evidence from Zambia is richer, inasmuch as actual claims have surfaced about payouts from the President to the chief justice, as have claims that the President sought to have him accused of rape. In Malawi, it is widely held that the former chief justice was loyal to the government because of his political leanings and the benefits he and his spouse obtained from the President.[62] There is also a perception that chief justices have sought to influence case allocations and even decisions. Several Zambian lawyers suggested that the chief justice intervened in decisions about which justice would hear political cases at the High Court. In 1997, evidence emerged in Malawi that indicated that the chief justice had actually sought to improperly influence the decision of a High Court judge in a court case in which the government had a very strong interest.[63]

Notably, the perception among lawyers, actors in civil and political society, and even judges is that these techniques have met with some success, leading some of them to question whether the judiciary can serve as a neutral arbiter in political cases. Despite this, judges still render decisions that challenge the interests of governments, suggesting the limitations of these strategies of control.

## Strategic Behavior and the Shortcomings of Control Strategies

To grasp more fully the problem of judicial control, we need to consider why judges, despite the efforts of governments to entice or scare them into deferential behavior, still render antigovernment decisions on a fairly consistent basis. Clearly, in making their decisions, judges are not simply considering whether the case outcome will please or displease those holding power. Other factors and dynamics dilute the interventions of these governments.

To be sure, a number of issues might be considered when investigating the comparative assertiveness of judiciaries. Some scholars, for example, suggest that the distinct "legal cultures" of judiciaries can lead to distinct patterns of judicial

[61] For a wider description of this technique, see Russell, "Toward a General Theory," 19.

[62] "Chief Justice Must Resign – MCP," *Daily Times* (Blantyre), 15 September 1995.

[63] Ambokile Salimu, "A Note on the Judiciary," *Nation* (Blantyre), 3 September 1997.

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behavior vis-a-vis governments.[64] Not dismissing these perspectives, I venture here that deeper insight can emerge from viewing judges as strategic actors whose decisions reflect, *inter alia*, considerations of how best to retain professional support and protect their careers. Taking this view, the key task is to identify the incentive structures that judges encounter when they render decisions in political cases. As we do this, it becomes apparent that Malawian and Zambian judges face actual disincentives to obsequiously supporting government interests in the cases that come before them. Owing to conditions in their professional and political environments, judges who might otherwise toe the government line have good reasons to embrace positions of neutrality in the cases that come before them. Further, judges who seek to apply ideals of impartiality and professionalism operate in settings that enable them to do so.

As previously discussed, political environments are important because they send signals to judges about the likelihood of being sanctioned or rewarded by other political actors. In Malawi and Zambia, the key feature of the political environment that we need to be concerned with is uncertainty. In both countries, both the staying power of the governments and their power relative to other actors have been open to question. As such, there has been some uncertainty about how long current governments will remain in power. Yet unlike the situation with elected leaders, for judges, this uncertainty does not create an "end-game" scenario. To the contrary, it gives them an eye to the future, forcing them to consider not only how present governments will respond to their decisions, but also future ones. This can dissuade them from overzealously supporting incumbent governments and encourage them to maintain an image of neutrality and professional competence. Judges who do otherwise, responding to pressures to please current governments, may benefit in the short term, but may be at risk in the longer term. The reason is that future governments will likely look unfavorably on, and may sanction, judges who previously stretched professional credibility to support partisan interests.

The point here builds on, but modifies, those advanced by other scholars, most notably Gretchen Helmke. As she argues, during periods of time when the political opposition appears likely to replace the current government, "judges face powerful incentives to defect against their own appointers."[65] Making strategic choices to protect their careers, judges render more antigovernment decisions as it becomes apparent that the incumbent government will soon be out of power. Notably, she argues further that this form of behavior requires that judges have sufficient information about the preferences of the incoming government.[66] In this sense, it is not uncertainty, but certainty, about who is going to be in power in the future and what their preferences are, that leads judges to render decisions contrary to the interests of current governments.

[64] See Gloppen, "The Accountability Function of the Courts," 120.
[65] Helmke, "Checks and Balances by Other Means," 216.
[66] Ibid.

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TABLE 6

*Malawi and Zambia High Court Decisions under Different Political Conditions*

| *Political Condition* | *Progovernment* | *Antigovernment* |
|---|---|---|
| Non-election year/no divided government | 58 | 61 |
| Election year or divided government | 12 | 9 |
| Election year and divided government | 2 | 7 |

Tau b = .03 (.08).

With respect to Malawi and Zambia, there is certainly evidence that similar expectations of political turnover can lead to strategic defection. Table 6 displays High Court case outcomes from both countries under three different political conditions. The first represents non-election years when governments had full control of legislatures. The second represents periods when there was an increased level of political uncertainty, coded positive if there was divided government or if competitive elections were to be held within one year's time.[67] The third represents periods of time when there was both divided government and a competitive election to be held within one year's time. Notably, all of the cases in this category came at the end of second presidential terms in both countries, increasing expectations that the incumbent would be departing.

As is evident, consistent with Helmke's research, expectations that the incumbent president will be leaving office are associated with a tendency to decide against the government. Thus, there is evidence that judges act "strategically," reading signals from the political environment. But it is equally important to consider what takes place during other periods of time. The first two rows of Table 6 depict situations in which judges receive ambiguous signals about the strength and staying power of the executive; this is even true during non-election years. It is during these periods that the pattern of court decisions is most consistent with judges embracing positions of neutrality in political cases.

This suggests that uncertainty in the political environment leads judges not to defection, but to a different strategic choice that might be labeled "strategic neutrality." Lacking knowledge about who the next power-holder will be, judges leave ambiguous their political loyalties and instead display professionalism. While this proposition deserves further testing, interviews with Malawian and Zambian judges offered evidence to support it. Commenting on the apparent neutrality of the Zambian judiciary, one Zambian judge, for example, argued, "One can't predict who will be in power in the future, so being partisan is a bad strategy. If you are partisan, you don't advance."[68] Similarly, referencing a decision in a political case that was rendered just before Malawi's second

[67] Cases that took place in Zambia in the year prior to the 1996 elections are not included in the second row because these were not competitive.

[68] Interview with Zambian judge, August 2002.

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elections, a Malawian justice candidly stated, "There was some uncertainty about electoral results for the second national elections. So political favoritism was not a good strategy; electoral results could have gone a number of different ways."[69] For both, political uncertainty encouraged neutrality.

Notably, this strategy also allows judges to build their credibility with colleagues and other actors in civil and political society who are concerned about judicial probity, and who can potentially support judges if they come under attack from elected power-holders. As Jennifer Widner argues, one strategy that judges can use to promote their independence is to cultivate support in society.[70] Taking this a step further, it would be especially important for judges to build support from social and political actors who have records of involvement and influence in judicial politics. In this regard, the fact that donors, civil society groups, and opposition figures have played a role in judicial politics is significant. These entities are very important to judges seeking to maintain their independence in a potentially hostile setting. By deciding cases on the merits of the arguments before them and offering sound legal reasoning in their written judgments, judges can build reputations for neutrality and professionalism, garnering support from these important actors.

The professional environments of these judges can also encourage them to refrain from overly partisan or deferential behavior. In interviews, some were quite adamant that the support of their colleagues was very important to them—for both instrumental and affective reasons. And generally, they felt that their peers wanted the institution to retain its credibility—both domestically and internationally—via the delivery of sound, impartial judgments. Some also emphasized the global nature of careers. Many judges seek education opportunities overseas; others have visions of work in international tribunals, or the judicial arms of international organizations. Because of this, decisions are taken with an eye to pleasing not only political principals but also audiences who might have some say over the access of individuals to such opportunities.

Importantly, taking this view is not to suggest that all judges are career-minded opportunists who simply respond to concerns about job security and advancement when making decisions. It merely argues that such concerns will shape the calculations of some judges when they weigh the risks, costs, and benefits of rendering antigovernment decisions. Further, this perspective easily accommodates the fact that some judges are very principled actors whose decisions reflect not career concerns, but norms of professionalism and neutrality. The very same factors that can encourage career-minded judges to embrace such norms to protect their futures *enable* judges who are guided by such princi-

[69] Interview with Malawian justice, June 2002.

[70] For further discussion of this strategy, see Jennifer Widner, *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa* (New York: W. W. Norton and Company, 2001), 36.

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ples to apply their ideals in their work. Political uncertainty and professional support for judicial impartiality represent conditions that allow these principled actors to live out their ethics, while discounting the potential costs of choosing such a route.

Understanding these issues helps to illuminate why the strategies used by governments have only been partially successful in shaping the behavior of judges. Judges have far more to consider than whether their decisions will please or displease those who hold power in the other branches. As such, the rewards and punishments—direct approaches—that governments have sought to put in place prove to be limited instruments of control. Similar can be said of the effort to use remuneration to coax loyalty from the judiciary. At the most obvious level, occasional pay increases offer no prospect of future control of judges' behavior—a pay increase at one point can do little to ensure fidelity in the future. Further, the assumption that such payouts can wrest judicial compliance and loyalty ignores a major collective action problem among the judges. In practical terms, for remuneration prospects to shape overall judicial behavior, judges would have to believe that all of their colleagues would similarly engage in compliant and deferential behavior toward government. Given the issues just outlined, this may not be a realistic assumption.

Indeed, even chief justices may be hesitant to simply serve elected officials. This has implications not only for decisions coming from the Supreme Court, but also for efforts to use the chief justice as the means to control the High Court. To be sure, even if they are willing to exert themselves on behalf of the government, chief justices can face great practical difficulties in ensuring that only progovernment justices at the High Court get political cases. For one, there may not be adequate knowledge about which judges are likely to decide against the government. Moreover, the capacity to give cases only to progovernment justices is limited. This would imply that the chief justices make every decision about who hears which case. In practice, the chief justices in both countries have delegated these responsibilities to other justices—often on a rotating basis. Moreover, in both countries, High Courts sit in several different geographic areas. Outside of court headquarters, allocation decisions are often delegated to court registrars.

More fundamentally, strategic considerations may limit the willingness of chief justices to assert themselves to keep cases from falling against the government. Chief justices may be faced with the very same career considerations just described. There may be rewards and punishments for using their power to keep the judiciary compliant, but there may also be incentives to behave in a professional and neutral manner. Political uncertainty, for instance, can generate concerns about appearing overly partisan in decisions about case allocations or intervening in High Court cases on behalf of the government. Chief justices may also have concerns about professional credibility not only in the eyes of national judicial and legal communities, but also in those of international judicial circles.

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Indeed, Malawi's former chief justice learned that his efforts on behalf of the government could generate a career-damaging backlash. After the chief justice allegedly intervened with a High Court judge who was presiding over an important political case, the same judge wrote a very charged letter to the chief justice complaining about the interference. The contents were then leaked to the press:

> Your Honour, you called me to your office. You told me that you had been approached by a top government official who was worried that he heard that I was going to give the case to the MCP (the opposition). Your Honour made statements which showed that if that was the line I was to tow (sic) it was depreciated. . . . I want to state, however, that such assertions are detrimental to good judgment.[71]

The not-so-subtle message in the public disclosure of the letter was that the chief justice might be punished for over-zealously acting as the government's agent in the judiciary.

In summary, although governments have certainly tried via carrots, sticks, and other instruments to control judiciaries, certain features of the political and professional environments in these countries dilute these interventions and encourage judges to operate from positions of neutrality in political cases. The result is an ongoing problem with judicial control.

## Conclusion

More than a decade after the onset of the continent's "second liberation," many observers of Africa's new democracies have voiced concerns about how these regimes have performed. One of the key issues that these observers have identified is that horizontal accountability remains problematic and patterns of executive dominance continue.[72] Yet the material described above illuminates that in at least two cases, judiciaries have not behaved as compliant servants of elected executives. Indeed, given their roles in undermining government efforts to amend constitutions to suit their immediate interests, one can feasibly make the claim that these judiciaries have been important factors in preserving democratic systems that were inaugurated in the early 1990s. While their overall contribution to these countries' democracies should be measured with reference to a broader set of issues—such as their role in promoting human rights and citizen access to political life—at least in terms of providing checks on executives, these judiciaries deserve high marks.

The primary objective of this paper has been to examine these cases to develop insights to inform the study of judicial politics in developing democracies

[71] Salimu, "A Note on the Judiciary."

[72] Nicolas van de Walle, "Economic Reform in a Democratizing Africa," *Comparative Politics* 32 (October 1999): 28; Sandbrook, *Closing the Circle*, 104.

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more generally. Two theoretical conclusions stand out as important. The first concerns the role of systemic characteristics in shaping the types of interventions that governments employ in efforts to control judiciaries. As I have argued, the neopatrimonial character of the political life of Malawi and Zambia has affected the range of techniques available to governments for managing their judiciaries. This conclusion is itself quite striking, especially given Juan Linz and Alfred Stepan's claims that "post-sultanist" democracies, as these countries would likely be categorized, can have major problems in developing constitutionalism and the rule of law.[73] These cases somewhat paradoxically suggest, however, that certain conditions associated with neopatrimonial polities— for example, the need for presentability on the part of regimes or a weakness of ideological identities—may actually contribute to the development of vibrant judicial institutions. To the extent that these conditions are duplicated in other polities, we might expect to see governments similarly encountering problems with respect to managing their judiciaries.

Quite clearly, this represents a proposition that deserves greater examination through the investigation of other cases. At that, some anecdotal evidence at least suggests that the problem of judicial control is not simply confined to Zambia and Malawi. In Benin, yet another of Africa's new democracies, a Constitutional Court created with the advent of democracy in the early 1990s has repeatedly demonstrated a willingness to challenge the power of elected officials and to render decisions contrary to their interests.[74] In Zimbabwe, a country whose democratic credentials have deteriorated considerably, the courts have remained an important voice challenging the efforts of Robert Mugabe to increase and extend his hold on power. One question that should inform such investigations of these cases is whether and how systemic characteristics have shaped the techniques for control employed by governments.

The second conclusion concerns the importance of examining the incentive structures that present themselves to justices. The cases of Zambia and Malawi clearly suggest that under certain circumstances, justices may have incentives to avoid being overly supportive and deferential to governments in the cases that come before them. This may stem, in part, from the type of professional environment in which they are situated, in particular, the extent to which judges perceive that peer support and career opportunities are jeopardized by overly partisan behaviors. Yet more fundamentally, I have suggested that the political environment itself is an independent variable shaping judicial behavior. To the extent that justices are uncertain about how long a government will remain in

[73] Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore, MD: Johns Hopkins University Press, 1996), 56.

[74] See Bruce Magnusson, "Testing Democracy in Benin: Experiments in Institutional Reform" in Richard Joseph, ed., *State, Conflict, and Democracy in Africa* (Boulder, CO: Lynne Rienner, 1999), 217–238.

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power, they have incentives to take positions of political neutrality in decision making. One question that deserves greater study is whether levels of political uncertainty affect variations in judicial assertiveness between countries and over time within countries.

Given the importance of judiciaries in processes of democratic consolidation, the relative paucity of literature on the factors that shape judicial development and behavior is quite striking. The time is more than ripe for greater comparative work on these topics. As this inquiry proceeds, attention to the issues highlighted in this analysis can provide a useful starting point for making sense of varied patterns of judicial politics in other contexts.

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# AMERICAN HEGEMONY:
## PREVENTIVE WAR, IRAQ, AND IMPOSING DEMOCRACY

**Edited by**
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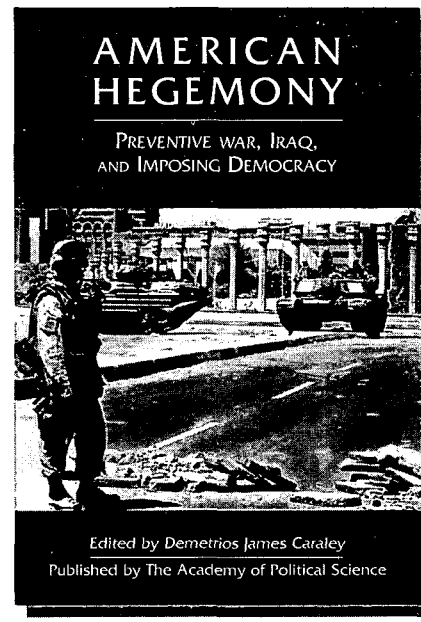


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# Book Reviews

**Popular Political Support in Urban China** *by Jie Chen. Stanford, CA, Stanford University Press, 2004. 246 pp. Cloth, $55.00; paper, $21.95.*

Jie Chen conducted random sample surveys in the urban part of Beijing in 1995, 1997, and 1999, and made the important discovery that the Chinese Communist regime commands high levels of political legitimacy. Levels of agreement with six propositions measuring what David Easton (*A Systems Analysis of Political Life*, New York: Wiley, 1965) defined as "diffuse support" (for example, "I respect the political institutions in China today") ranged from 66 to 98 percent of the respondents, with most of the percentages in the 80s and 90s.

The importance of this finding might seem to be vitiated by the special features of Beijing. Beijing is a government company town, as we see when Chen classifies his respondents' occupations into the eight categories of state enterprise workers, state enterprise cadres, white-collar professionals, students, government bureaucrats, military, private entrepreneurs, and retirees (p. 87). There are no peasants, as is to be expected when the sampling method excludes both residents of the municipality's rural districts and temporary peasant migrants into the urban districts. And there are no workers in non-state enterprises, casual laborers, household workers, self-employed craftsmen or pedlars, or unemployed.

Still, Beijing is a politically crucial locale. It was the site of the 1989 Tiananmen protests, and is the place where popular disaffection would have the greatest effect on the fate of the regime. And many other people around China may think as Beijing residents do. Chen nuances his findings by pointing out that diffuse support for the regime, although fairly stable, declined over the four years of the study; that it is stronger among older and less-educated people and Chinese Communist Party members than among the dynamic modern sectors of the population, and that it is not undergirded by a favorable evaluation of the regime's policy performance ("specific support" in Eastonian terms). Thus, he argues that the regime cannot be complacent about political stability.

Chen explores the impact of a variety of sociodemographic and attitudinal variables on political support. He carefully lays out the theoretical reasoning for the impact of each variable and provides conscientious literature reviews. He culminates his investigations with regression analyses in which the effects



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of each variable on diffuse and specific support are estimated when other variables are taken into account. Here, one wishes that he had combined the three samples, which he could have done because they were drawn from the same population close in time and showed only small differences among themselves in the relationships among variables. With a combined sample of about 2,100 instead of about 700 in each of the separate samples, Chen could have achieved statistically significant findings on more variables. This would have been especially desirable in his analysis of the determinants of specific support (policy approval), where few of the coefficients achieve statistical significance. Using combined samples would also have strengthened his analysis of the impact of diffuse and specific support on voting and political contacting.

As always in survey research, different questionnaire items might have produced different results. The measures of diffuse support that Chen selected, while validly rooted in one sub-tradition of legitimacy research, consist of propositions that sound like official Chinese ideology and may tend to produce high levels of agreement. On the other hand, his measures of specific support probably underestimate public approval of government policy. Given that the government has neglected social policy to advance economic growth, one might find higher levels of specific support by asking whether respondents' living standards have advanced instead of asking about the government's performance in handling a series of general social issues such as corruption and pollution.

All survey research projects are subject to such "roads not traveled" questioning. Chen has made his methodological choices and has made good use of the findings to throw light on the most consequential and contested question of China's domestic politics today, its prospects for stability.

ANDREW J. NATHAN
*Columbia University*

**The United States and the Rule of Law in International Affairs** *by John F. Murphy. New York, Cambridge University Press, 2004. 378 pp. Cloth, $85.00; paper, $31.99.*

Few scholars or publicists write about international law to satisfy the general reader. A notable exception, the late J. R. Brierly, warned against either underestimating or overestimating international law (J. L. Brierly, *The Outlook for International Law*, Oxford: The Clarendon Press, 1945, p. 1). Cynics conclude that, as law, international law is and always has been a sham. The sciolist comes to the opposite conclusion, that laws fully codified and applied to international politics could eliminate the struggle for power. In Brierly's words: "They both assume that international law is a subject on which anyone can form his opinions intuitively, without taking the trouble . . . to inquire into the relevant facts."

John F. Murphy misreads what nonspecialists require in a treatise on international law. His book deals not only with his chosen subject but with every-

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thing even remotely connected with that subject. He sets out to prove that from America's earliest beginning we were a "law state," transforming colonies into a new type of society. Today, the goal is an expanded effort to promote the rule of law in foreign countries, especially third-world and former Soviet bloc countries. Chief Justice John Marshall, in *Marbury vs. Madison*, called for "a government of laws and not of men." The United States, at the close of World War II, sought to create specialized agencies, such as those established at Bretton Woods, culminating in the International Court of Justice. Once the United States lost its automatic majority in votes at the UN, we turned not to law but to proclaiming we were "the party of liberty." No matter how often we were in the minority, we took continuing pride in defending freedom.

One critique of *The Rule of Law in International Affairs* is that it focuses so single-mindedly on law that it neglects the social and political forces at work undermining or supporting its influence. In one sense, Murphy covers all the bases by including chapters on international law in relation to law, UN dues, use of force, human rights, and environmental issues. Yet, even as the world's one remaining superpower, we seem not to have communicated our purposes to the rest of the world. The author writes pages on the differences between self-executing and non-self-executing treaties and on comparison of international and national law. Yet he fails to analyze forces such as nationalism that shape treaties and laws.

Nonetheless, *The Rule of Law* provides a first-rate textbook account of the procedures and processes of domestic law that impinge on international law. Those who have forgotten or who have never learned the sources of international law will find a thoughtful discussion of that subject. Murphy also considers in depth customs and treaties as sources, the changing scope of international law, and American triumphalism, exceptionalism, and provincialism (often on the part of the executive branch, as in reaction to a proposed permanent international criminal court; another example is our withdrawal from the proceedings in *Nicaragua vs. the United States* before the International Court of Justice). Nor does the author overlook rebellion by states against federal constraints on their imposing economic sanctions on foreign countries. From the standpoint of foreign policy, compliance with international law doesn't always produce sound policies. Finally, he explores controversies between public servants and independent scholars. The former sometimes argue that treaties are merely tentative "political obligations." Individual scholars answer that a majority of the 190 states now members of the UN tend to believe that a treaty in force is binding on the parties and must be performed in "good faith."

Having considered or passed over both the limitations and the varied applications of international law, Murphy has generated interest in the subject. He concludes with possible scenarios for international law in the future, all of which merit consideration. For those who seek to get their bearings in a difficult and often contested field of studies, the book has much to commend it.

KENNETH W. THOMPSON
*University of Virginia*

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**Balancing Risks: Great Power Intervention in the Periphery** *by Jeffrey Taliaferro. Ithaca, NY, Cornell University Press, 2004. 320 pp. $39.95.*

Jeffrey Taliaferro's volume is bound to impress a variety of audiences. Political scientists and other social scientists will appreciate the sophisticated blending of grand- and middle-range theory that produces logical and testable hypotheses, as well as the carefully crafted case studies. Practitioners will appreciate the timely policy advice the volume offers. One can only hope that Taliaferro's book is widely read in both communities, because it is a rare achievement. It is a model of rigorous social science inquiry that also has significant and clear policy implications.

Taliaferro ponders an enduring question in international politics: why do great powers tend to get bogged down in costly interventions in peripheral lands? His answer combines defensive realist precepts with the insights that prospect theory offers on individual decision making. His command of the experimental literature on prospect theory is notable, as is his ability to navigate the sometimes difficult terrain between experimental findings and the world of policy making. In essence, Taliaferro's theory, which he calls balance of risk, argues that great-power decision makers initiate risky diplomatic and military interventions in the periphery when they see their relative power in the world declining and a triggering event seems to spell a further loss of status. When, on the other hand, they view their relative power as rising, they are more flexible and willing to accept minor setbacks. As prospect theory expects, then, decision makers are more willing to gamble to recoup loses than to achieve gains. Unfortunately for populations in declining powers, the result has often been that their leaders have plunged their countries into long, draining, virtually unwinnable campaigns in distant lands of marginal strategic value.

Taliaferro uses three case studies (Germany and the 1905 Morocco Crises, Japan and the 1940–1941 war decisions, and the 1950–1951 U.S. involvement in the Korean War) and seven smaller case examples to test his theory against two competitors, offensive realism and domestic log-rolling. He draws on primary source materials and secondary studies to build a compelling argument for balance-of-risk theory. His approach to empirical testing is refreshing, as well. Unlike the current penchant for pitting theories against one another in a zero-sum fashion, Taliaferro recognizes that balance-of-risk theory, like all social science theory, is probabilistic. He acknowledges episodes that could be explained equally well by offensive realism and balance-of-risk theory, and even a set of decisions during the Korean War that runs counter to balance-of-risk's expectations. The result is a subtle and persuasive exploration of great-power intervention that adds further credibility to the theory Taliaferro advances.

This is not to say that the book is without flaws. Taliaferro's case selection is not fully convincing, because all three major cases are of costly great-power intervention in the midst of perceived decline. Fortunately, the smaller case examples help to alleviate this problem. Also, balance of risk does not seem to

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be able to predict the intensity of great-power interventions. The theory would, for example, expect German policy to have been more unyielding in the 1911 Agadir crisis in Morocco than in the 1905 Moroccan crisis, but the opposite was the case.

Nonetheless, Taliaferro's book is a major accomplishment. It showcases the relevance of social science research for today's most important policy issues. It should be read by all scholars interested in foreign policy decision making and the use of force. One can only hope that it is read by policy makers as well.

JEFFREY PICKERING
*Kansas State University*

**State-Building: Governance and World Order in the 21st Century** *by Francis Fukuyama. Ithaca, NY, Cornell University Press, 2004. 160 pp. $21.00.*

Francis Fukuyama's important new book on nation building asks all the right questions, but it does not provide answers to them. He rightly sees that the major problem in modern international politics is not primarily when to use force, it is what to do after an invader has already succeeded and is in occupation of the disputed territory. One can win the war, and, as the United States is doing presently in Iraq, lose the peace. After the fact, this can strongly condition whether it was a right decision to go in, in the first place. The evidence for this problem is legion. The United States, the EU, and NATO won in Bosnia and Kosovo, but they have not won the peace, in the sense of leaving a stable domestic government in charge of its political fortunes. The Office of the High Representative in Bosnia and Herzegovina still calls the shots. Nor is Kosovo—under NATO tutelage—truly independent. The United States has gone into Haiti time and again without giving Port au Prince a stable and uncorrupt government. The various interventions in Africa by the United States, France, and the African Union have not provided effective government for the countries concerned. Sierra Leone, the Congo, Liberia, and Somalia are still bleeding. There is even the possibility that intervention actually makes matters worse, in that it smashes whatever local administrative capacity there once was.

Perhaps even more interesting, the growing recognition of the "post-conquest problem" may have created even more difficulties. Nongovernmental organizations (NGOs)—seeking to assist the failed regime—plunge in and thereby usurp the role of a domestic government. Fukuyama cites Michael Ignatieff's colorful phrase, they "suck out" local administrative capacity. The United Nations does no better, again substituting an international capability for a needed domestic capability. Nor does International Monetary Fund (IMF) "conditionality" achieve a better result. The IMF continues to give money even in cases like Kenya where its conditions are not met.

In the process of making this argument, Fukuyama has powerfully added to the case against conquest that various writers have made in the past genera-

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tion. For many observers, imperial expansion would not succeed today because of the mobilized population that invasion would confront. A nationalized population would resist the invader. But even if these writers were wrong (and the country did not resist), there would still be no effective successor regime to run the country. The Nazis (at least for a time) had the cooperation of Vichy collaborators. But there is no "Vichy" in the regimes in Eastern Europe or Africa. There is no one to mind the administrative store. Even a determined "imperialist" cannot extract the needed riches when the country is in administrative and political limbo. Invasion-intervention only heightens chaos without achieving the gains of the conquerors.

Of course, Fukuyama deals with issues in addition to the incentive to make war—although this is where his analytic payoff truly lies. He worries about all states with decaying administrative capacity—failed states—however caused. He observes, rightly again, that the effects of globalization have too often made for weak states—instead of strong states with a narrower scope of government activity. (New Zealand is one of the few post-modern polities that has reduced the scope of governmental activity while increasing its administrative power in the remaining areas.) He thereby validates the claims of Hernando de Soto (*The Other Path: The Economic Answer to Terrorism*, Basic Books, 1989), who argues that strong and well-protected "property rights"—currently lacking—are critical for development and administrative performance in most developing countries, even where "structural adjustment" programs get the state out of economic activity. Without them, little else can transpire in economic terms.

But this leaves the reader untutored about what to do. Every remedy seems vain—UN intervention, NGO activity, IMF supervision. Failed states remain failed, and their number is growing as civil wars break out and international intervention follows, further emasculating local administration. Is it possible that "arms-length" strategies are necessary instead? Fukuyama rightly argues that it is local demand for administrative performance that is crucial in producing a supply of that needed commodity. At the end of his persuasive book, Fukuyama questions whether European strategies may not be better at dealing with the issue than American or international ones. The EU does not force its new member states to be free, it provides incentives—political and economic—for them to move in the right direction. But everything depends upon them and on bolstering political demand in their countries to get into Europe. Thus the country candidates for EU membership do not suffer Fukuyama's difficulties, or if they do, they must wait to be admitted. The EU has a well-nigh universal solution to the problem of failed states on its frontiers. But alas, its remedy cannot be applied everywhere. Fukuyama has provided a substantial service in opening the problem for inspection, but he has not solved it.

RICHARD ROSECRANCE
*Harvard University*

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**Citizens Without Shelter: Homelessness, Democracy, and Political Exclusion** *by Leonard C. Feldman. Ithaca, NY, Cornell University Press, 2004. 224 pp. $35.00.*

In response to the marked increase in homelessness that has occurred over the last two decades, many municipalities across the United States have attempted to deal with the issue in a two-fold manner. First, city and state governments have created a shelter system to offer a place for homeless people to dwell. After the shelters are in place, cities can implement order maintenance regulations, such as sleeping bans, which criminalize the activities of homeless citizens who choose to remain on the street. When these regulations are challenged, governments respond by pointing out that homeless citizens have other dwelling options, and that their activities threaten the safety and well-being of housed citizens.

*Citizens Without Shelter* traces the development of homelessness policy by analyzing these local regulations and their judicial challenges. Leonard Feldman addresses this development by arguing that cities and the courts are now criminalizing the very activities that homeless citizens must carry out in order to live. He also explores the changing definitions of "the public sphere," "citizenship," and "home" in political philosophy, and how the interaction among these definitions has impacted the evolution of homelessness regulations.

The author advances a theoretical idea that is not often expressed in the day-to-day management of homelessness—the right of the homeless citizen to dwell and exist in public. He argues that fighting for the recognition of the rights of homeless citizens shifts the issue of homelessness from the public banning of life-sustaining activities to "the register of citizenship, justice/injustice, and democratic politics" (p. 109). Homeless people are still citizens, and as such, have the right to exist, to not be persecuted for that existence, and to be legally recognized as citizens.

This legal recognition is a point of contention among homeless advocates. Feldman notes that "legal recognition of, and city support for, homeless persons and homeless encampments is seen as existing in opposition to the therapeutic interventions by social service agencies" (p. 83). These social service agencies provide shelters that "isolate people and deny them privacy, reinforce cultural stigmas, and enforce petty humiliations" (p. 109). He contends that the state's desire to reprogram and assimilate homeless people into society only reinforces the implication that homelessness means political and cultural exclusion.

Having worked in the shelter system for many years, I can agree with Feldman's call for the development of more housing options for low-income citizens. The destruction of low- and moderate-rent accommodation in urban areas has contributed greatly to the increase in homelessness. However, lack of housing is not the only reason that people become homeless, and shelters today often address these other reasons. The author's negative view of shelters does not reflect the current state of the shelter system. Few shelters these days are "warehouse-like" (p. 26), especially those designed for families. They provide privacy

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and eliminate the humiliation of earlier congregate shelters. The voluntary programs on job training, life skills, and literacy that are offered in these shelters help residents overcome cultural stigmas and reduce isolation through interaction with other residents. Although these residents should have the right to exist in a democratic society with the various habits or behaviors with which they enter the shelter system, one additional consideration remains. Many adult residents are also parents, responsible for the care and well-being of one or more children. These children also have rights, including the right to a safe and secure environment. Few would argue that living on the street provides such an environment.

RALPH DA COSTA NUNEZ
*Homes for the Homeless, Inc., New York*

**Why Deliberative Democracy?** *by Amy Gutmann and Dennis Thompson. Princeton, NJ, Princeton University Press, 2004. 256 pp. Cloth, $55.00; paper, $16.95.*

One of the major recent developments in democratic theory has been an increasing emphasis upon deliberation amongst citizens as a way of both increasing participation in democratic governance and enhancing the justness of public policies. Prominent among these "deliberative democrats" are Amy Gutmann and Dennis Thompson, whose book, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996), has been influential in the ongoing debate as to the most appropriate way to realize an ideal of a "deliberative democracy." The current volume draws together a series of writings on this topic by Gutmann and Thompson.

The first chapter, "What Deliberative Democracy Means," is a clear and accessible introduction to the core principles of their conception of deliberative democracy. For the authors, deliberative democracy is essentially about justification, specifically, the justifications that representatives give for laws to both other representatives and their constituents, and the justifications that citizens give both to each other and to their representatives for how they vote and for their support of various laws and policies. Justification is a process of "reason-giving," but not all reasons will serve as acceptable reasons for citizens of a democracy; for example, policies justified by racist beliefs would clearly be unacceptable to many. Striving to give reasons that all citizens can accept makes such reasons moral reasons and both satisfies a principle of reciprocity and supports the value of mutual respect. As the authors stress, the mutual acceptability of reasons must be determined through actual public deliberations. It is this feature that makes their theory deliberative.

In subsequent chapters, the authors tackle a number of important issues related to their principles of justification and reciprocity. They claim that a policy is not necessarily justified and does not necessarily satisfy a principle of reci-

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procity even if all affected by it agree with it as a result of a fair deliberative process. This might seem odd, inasmuch as the authors define just outcomes as those that satisfy a principle of reciprocity; but they insist that not all reasons, even if acceptable to all involved, are "reciprocal" reasons. Thus, the authors argue that a theory of democratic deliberation must also contain substantive principles to determine which reasons truly satisfy a principle of reciprocity. These are identified as reasons that are consistent with the idea of society as a fair system of cooperation between free and equal citizens possessed of certain basic rights and liberties, and the authors are not hesitant to suggest which public policies they believe are and are not consistent with this idea.

This seems to create a problem. If the deliberative theorists themselves can reach substantive conclusions about policies based upon their conception of "good" and "bad" democratic reasons, then why is actual public deliberation necessary at all for determining just policies? Has not their substantive theory provided all that is needed for making sound political judgments without the aid of any actual deliberation? It is one of the merits of this book that the authors attempt to squarely confront this problem, a problem that dogs almost all theories of deliberative democracy (dubbed by some the "paradox" of deliberative democracy). Their response is intriguing, if not altogether satisfying: both their principles and substantive policy conclusions should be seen as provisional, as "hypotheses," which must themselves be tested over time by actual democratic deliberations. What is left unclear, however, is precisely how actual deliberations can and should impact the theorist's conclusions, given that the theorist appears always able to claim that the results of any actual deliberations are inconsistent with what reciprocity requires (according to the theorist).

This book is a useful introduction to debates that are on the cutting edge of theories concerning democratic deliberation. It also advances the debate in important ways, and although it may not solve once and for all the "paradox" of deliberative democracy, it presents provocative arguments that are sure to spur continuing debate and "deliberation."

EVAN CHARNEY
*Duke University*

**Deterrence** *by Lawrence Freedman. Oxford, UK, Polity Press, 2004. 145 pp. Cloth, $59.95; paper, $24.95.*

If an occasional strategem becomes orthodoxy because conditions are conceived as permanent, what happens to the strategem when conditions prove mutable and the canon becomes unconvincing? In such instances, the cliché holds: do not throw out the baby with the bath water. In a much more sophisticated and accessible manner, Lawrence Freedman renders this assessment about the concept and strategy of deterrence in a post-September 11 world. He shows that deterrence remains relevant, if we understand it as one part of a larger set of strategic interactions that shape international relations.

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In a concise, original book, Freedman amazingly accomplishes three distinct outcomes. First, he produces a marvelous overview of the core literature on deterrence that unpacks the complexity of the theory while walking the reader through the evolution of thought and practice relating to the concept. The first three chapters represent an excellent primer, making the book appropriate for classroom adoption. Importantly, however, Freedman weaves into this overview critical insights that will provoke thinking among seasoned security studies scholars and policy makers. He reintroduces the important distinction between coercive and controlling strategies, emphasizes that deterrence involves communication with multiple audiences that may weigh reputation differently, and reminds us that understanding the construction of roles (deterrer vs. challenger) and interests is central.

The second accomplishment of the book is a cogent commentary on current strategic thinking and practice as it relates, in particular, to the notion of preemption associated with the George W. Bush administration's 2002 *National Security Strategy* document. The author shows how the concept of preemption became tangled with the distinct and more demanding strategy of preventive war. Freedman concludes correctly that American actions in the 2003 Iraq war are best understood as preventive rather than preemptive. It is in this section of the book that the author reinforces his notion that deterrence is tied to particular conditions and times. Importantly, Freedman does not accept the notion that deterrence, preemption, and preventive war are distinct alternatives that run necessarily counter to each other. Rather, he offers the perspective that we must consider how they (and other coercive strategies) relate in order to assess "their combined impact over time" (p. 4).

Freedman carries this idea forward in the third aspect of the book, which involves the development of a new frame for thinking about deterrence. Starting from the assumption that norms in the conduct of international relations neither develop nor exist independent of power and interests, Freedman suggests that deterrence may operate on a norms-based as much as an interest-based level. He introduces the notion of internalized deterrence, suggesting that we think about "an international order in which there are formidable restraints on the use of force, and where the main legitimate role of force is to enforce these restraints" (p. 119). Deterrence as a norm means that the fear of consequences for some proscribed act becomes embedded, rather than specifically and constantly annunciated directly to a challenger. Freedman introduces an interesting discussion of criminological literature to reinforce this point. Thinking about deterrence in a norms-based context raises interesting questions about handling both modern terrorism and nonstate actors such as al Qaeda, and managing American hegemony, all of which Freedman touches on briefly. This concise treatise offers a bevy of ideas, but does not develop them fully. Given his mastery of the subject, one wishes that Freedman would have connected and developed his insights. As one, however, who has thought about the integration of security strategies, I found myself racing from one new

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thought to the next and thus, in my experience, the book successfully pushes the reader. *Deterrence* both summarizes thought and provokes it well.

RICHARD J. HARKNETT
*University of Cincinnati*

**Taming Intractable Conflicts: Mediation in the Hardest Cases** *by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall. Washington, United States Institute of Peace Press, 2004. 240 pp. Cloth, $35.00; paper, $14.95.*

This book represents both a general discussion of the core knowledge drawn from the mediation literature and a useful road map for mediators. The authors focus upon a fundamental question: what can be done to increase the effectiveness of mediation in the most difficult conflicts to solve? The authors argue that the settlement of these intractable conflicts requires that third parties adopt a strategic approach to them by maintaining an awareness of the parties and issues involved in the conflict, the context in which the conflict exists, and the capabilities the mediator brings to the table. Although this argument is not surprising, mediation efforts often fail to follow this simple prescription, undermining their prospects for success.

The primary strength of the book rests with the authors' recognition that mediation is not a one-size-fits-all activity, a point often overlooked within the literature. The authors emphasize that the prospects for resolving intractable conflicts depend greatly upon the perceptiveness of the mediator in recognizing the nuances of the individual case to be mediated, including the history of the conflict, the actors involved in the conflict, and their beliefs about the conflict and the prospects for moving away from violence. By recognizing these unique characteristics of individual conflicts, practitioners can employ the strategies described by the authors in order to intervene at the optimum time, increase the willingness of disputants to mediate, and use their available resources not only to stimulate a settlement but also to achieve one that will be durable.

One limitation of the approach the authors take is their emphasis upon dyadic solutions to intractable conflicts. Although the authors discuss the importance of the context of intractable conflicts, they only tangentially discuss the degree to which the settlement of an intractable conflict can be related to the improvement of other linked conflicts. Improvement in the Cyprus conflict, for example, is related not only to the relationship between Greek and Turkish Cypriots but also to improvement in the linked Greece–Turkey rivalry.

The primary weakness of the book rests with the way in which the authors view intractable conflicts. The authors view intractable conflicts as a given, rather than developing a full explanation of what causes intractable conflicts to arise in the first place. As a result, the book provides little guidance for identifying intractable conflicts *ex ante*. Instead, one must observe that a conflict is resistant to settlement in order to conclude that it is intractable. This circularity is un-

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satisfying. Although the authors do suggest that some intractable conflicts develop from conflicts that fail to attract diplomatic intervention early in their existence, it is not clear whether intractable conflicts are qualitatively different from other types of conflicts from their very beginning or whether they evolve in such a way that violence becomes entrenched and they become increasingly resistant to settlement. If intractable conflicts develop because of a lack of attention from the international community, then it is vital for third parties to be more proactive in dealing with conflicts in their nascent stages. If intractable conflicts are different at their root from other types of conflicts, then it is important for third parties to recognize the conditions that promote intractable conflicts and to intervene when these are present in order to prevent the use of violence from becoming entrenched in the relationship between the disputants.

Despite this shortcoming, which may prove to be fodder for future study, *Taming Intractable Conflicts* is a useful text for both practitioners and students. It offers clear insights to guide practitioners not only on when to intervene diplomatically in the most difficult conflicts but also on how to do so most effectively.

J. MICHAEL GREIG
*University of North Texas*

**The Remnants of War** *by John Mueller. Ithaca, NY, Cornell University Press, 2004. 258 pp. $29.95.*

John Mueller is an iconoclast of the best variety. He consistently challenges conventional wisdom with thoughtful, wide-ranging arguments. In 1989, Mueller published *Retreat from Doomsday* (John Mueller, *Retreat from Doomsday: The Obsolescence of Major War*, New York: Basic Books, 1989), a book that attacked three core assumptions about contemporary international politics: that war is an inevitable element of the international system, that nuclear weapons revolutionized thinking about war, and, most significant, that international politics has become a more dangerous endeavor during the last century. In defiance of these totemic articles of faith, Mueller argued that warfare among the great powers was becoming obsolete, that this had little to do with nuclear weapons, and that we were entering a generally more stable period of world politics.

Mueller's iconoclasm is especially intrepid in light of the terrorist attacks of 11 September 2001 and the "war on terrorism." Instead of trimming his sails, Mueller has used his new book to re-state and expand his arguments about the obsolescence of great-power war. He begins by drawing a distinction between "criminal" and "disciplined" warfare. The former is "a form in which combatants are induced to wreak violence primarily for the fun and material profit they derive from the experience" (p. 17). Disciplined warfare, in contrast, occurs when "men [and presumably women] primarily inflict violence not for

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fun and profit but because their training and indoctrination have instilled in them a need to follow orders" (p. 18). From this distinction, Mueller goes on to argue that although criminal warfare (including terrorism) continues to pervade the international system, and "police actions" (including the "war on terrorism") are common, disciplined warfare among "developed countries" is on the wane (p. 161).

Mueller treats ideas as the independent variable for explaining this transformation. He traces antiwar activism through its rise in the late nineteenth century through the two world wars, the Cold War, and the post-Cold War landscape. Mueller argues that the crucial intellectual work had taken shape by 1914 when "war as an institution had for the first time in history inspired a significant amount of organized disdain and opposition on moral, aesthetic, ideological, and economic grounds" (p. 35). The horrors of trench combat at the Somme and other deadly battlefields catalyzed a global spread in antiwar sentiment that created a new presumption against similar wars again.

As was the case with the abolition of dueling and slavery, the process of obsolescence was slow. Hitler's fanaticism in World War II and the clash of American and Chinese armies (operating with Soviet support) in the Korean War reinforced a desire to avoid direct warfare among the citizens and leaders of the great powers. Military conflict escalated in "third world" areas during the Cold War and its aftermath, but for Mueller, war among the most powerful states had become illegitimate, even tabu.

Mueller effectively argues for the influence of ideas, but in a way that gives very little attention to their content. His section on "the rise of antiwar activism before World War I" is less than two pages (pp. 32–34). As countless historians have shown, antiwar activism went hand in hand with militant nationalism during this period. How the ideas of these activists made war obsolete is not addressed anywhere by Mueller. Nor, for that matter, does his book explain why the citizens of "developed" countries could find war with other "developed" countries abhorrent, while they concurrently endorsed warfare in less-developed areas. The post-1945 world was filled with cases of great-power militarism. How does this accord with Mueller's assertion of such strong antiwar influences? Mueller's book is smart and provocative, and it should inspire a wider examination of how warfare has changed, as a whole, over the last century.

JEREMI SURI
*University of Wisconsin*

**Predictable Surprises: The Disasters You Should Have Seen Coming, and How to Prevent Them** *by Max Bazerman and Michael Watkins. Boston, MA, Harvard Business School Press, 2004. 336 pp. $27.50.*

This timely book focuses on identifying and preventing "predictable surprises": events that "take an individual or group by surprise, despite prior awareness

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of all of the information necessary to anticipate the events and their consequences" (p. 1). The book is divided into three sections: an examination of prototypes of predictable surprises (with chapters on September 11 and the collapse of Enron/Arthur Andersen); an analysis of the cognitive, organizational, and political causes of such surprises; and the elaboration of a prescriptive framework that includes techniques for recognizing, prioritizing, and mobilizing (RPM) to deal with predictable surprises. Throughout, Max Bazerman and Michael Watkins seek to generalize their analysis to public, private, and nonprofit organizations, and they succeed in making complex material from the political, business, and scientific worlds accessible to a wide audience by employing relatively jargon-free language and articulating broadly applicable lessons.

To identify cases of predictable surprise, the authors invoke reasonable criteria: "Could a responsible leader have been reasonably expected to recognize, prioritize, and mobilize to avoid the problem? If yes, then a serious failure of leadership materially contributed to a predictable surprise. If no, then we let the leader off the hook" (p. 155). Although elements of this definition remain subjective, it avoids the common practice of treating all disasters and surprises, with the benefit of hindsight, as avoidable failures. Unfortunately, the catchy term "predictable surprises" is a somewhat misleading label for the authors' central concept: by affixing this label to certain high-profile disasters (September 11 and Enron), they seem, on the surface, to imply that these precise events should have been foreseen—a dubious claim that could prejudice readers against the authors' other arguments. Although the authors clearly do not make this claim, noting that "the U.S. government could not have predicted the specifics of these events, but should have better anticipated and prepared for a broad variety of catastrophes" (p. 8), the distinction between predicting the specifics of an event and anticipating a category of crises is lost at times.

Wisely eschewing single-factor explanations, Bazerman and Watkins explore the multidimensional roots of predictable surprises, skillfully integrating research on psychological biases, organizational limitations, and political incentives (chapters 4–6). Indeed, one of the book's great strengths is its application of well-known social science concepts, including discounting, collective action problems, cognitive heuristics, and bureaucratic politics models, to the phenomenon of predictable surprises in a systematic and compelling way. Chapter 6, which focuses on political roots, is the weakest link in this chain: it focuses solely on the role of "special interest groups," despite the myriad political factors that imperil organizations, and the authors make an impassioned plea for campaign finance reform, which distracts from the analytical focus of these three chapters. Other issues deserving more attention include the problem of identifying objectively reliable data, given the cognitive or political biases of sources, and the apparent contradiction inherent in the authors' claim that responsible leaders will overcome the tendency to discount uncertain future benefits of preventative action. (If the benefits of action are so uncertain, are the associated surprises really "predictable," and can leaders be faulted for not taking action?)

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None of these weaknesses eclipse the substantial contribution this book makes to our understanding of a vitally important phenomenon. Although some surprises remain unpredictable (p. 4), the RPM framework developed in chapters 7–9 provides a wealth of practical tools that flow directly from the causal linkages identified in part two of the book and represent the most comprehensive arsenal of techniques currently available for anticipating and heading off avoidable disasters. Those holding positions of responsibility in government, business, and elsewhere will find this book useful and perhaps indispensable.

JONATHAN KELLER
*Southern Methodist University*

**Overruled? Legislative Overrides, Pluralism, and Contemporary Court–Congress Relations** *by Jeb Barnes. Stanford, CA, Stanford University Press, 2004. 224 pp. $50.00.*

This book seeks to understand the interaction between Congress and the federal judiciary in the drafting and interpretation of statutes. In doing so, it tells us something useful not only about the relationship between these two institutions but also about the internal politics of each.

The book is specifically concerned with the congressional override, through the passage of new legislation, of judicial interpretations of prior statutes. Overrides were once portrayed as disrespectful to the courts and a type of threat to judicial independence, but they are more commonly viewed now as a natural process through which legislators try to more effectively achieve their policy objectives. The existing literature has largely been concerned with identifying when Congress will pass an override statute, but Jeb Barnes breaks new ground in focusing on the character of congressional deliberations on overrides and the effects of such statutes on subsequent judicial behavior. These are difficult items to study, and Barnes pursues an innovative research design to gain some leverage on the problems before him.

The book asks two quite distinct questions. The first is straightforward: do overrides matter? The central issue here is whether Congress is actually capable of controlling the independent judiciary through statute, or do the courts go their own way in making public policy. A related issue is whether Congress is willing and able to draft clear legislation when passing such overrides, or whether it is content to simply pass showy but vaguely worded bills that leave a great deal of discretion to judges. The second question is whether the overrides reflect relatively open, democratic deliberation on public policy. Here, Barnes sets up a three-way debate between pluralists (who expect a deliberative process leading toward consensus), capture theorists (who expect powerful interests to ram through legislation awarding them victories that they were not able to win in court), and hyperpluralists (who expect politics to be so fragmented that little of substance can be passed through Congress and who believe that judges act on their own policy preferences).

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In order to answer both questions, Barnes engages in what he calls "large-N process tracing." Using a random sample of 100 congressional legislative responses to judicial statutory interpretation decisions between the years 1974 and 1990, Barnes determined whether each override was intended to wholly or only partially resolve the issue at hand, whether courts reached effective consensus on the meaning of the law before and after the override, and whether the congressional hearings that produced the override were one-sided or fairly representative of the competing interests.

The results of this analysis are complicated—unfortunately, rather too complicated, with a host of categories and lots of idiosyncratic vocabulary. Nonetheless, the creative approach produces some interesting findings. When passing overrides, Congress does tend to enter into areas in which judges have had difficulty agreeing on the law, and the legislative intervention generally does lead to greater judicial agreement. Barnes finds little evidence that the override process is captured by a narrow set of interests. The process of passing overrides is almost always open to competing views. In most cases, legislators are nonetheless able to come to some agreement on what they want judges to do, but in a number of instances, they manage to do little more than punt the issue back into the courts. Barnes also finds a few intriguing instances of judicial resistance to congressional instructions. Overall, this is a useful study that hopefully will encourage further research on these difficult but important questions.

KEITH E. WHITTINGTON
*Princeton University*

**School Board Battles: The Christian Right in Local Politics** *by Melissa M. Deckman. Washington, DC, Georgetown University Press, 2004. 224 pp. Cloth, $39.95; paper, $26.95.*

During the last decades of the twentieth century, America's educational establishment came under fire for what critics called its "liberal bias" and its attempts to undermine parental authority. Chief among these critics was the Christian Right, a religiously grounded social movement that seeks to bring America's social institutions and policies into conformity with its worldview assumptions.

In the early to mid-1990s, the Christian Right targeted school board elections because these were typically lightly contested and offered a strategic means to achieve the end of "taking back" America's public schools.

In *School Board Battles*, Melissa Deckman offers the first systematic analysis of these contested elections by focusing on the motivations, strategies, and electoral success of Christian Right candidates. The central questions Deckman raises are whether the critics of the Christian Right are correct in their charges that candidates are motivated and trained by Christian Right organizations, that Christian Right candidates use stealth tactics in their election campaigns, and that when elected, Christian Right school board members used their power to advance a Christian Right agenda.

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Deckman recognizes the complexity of the Christian Right and acknowledges the difficulty in identifying which school board candidates are aligned with the Christian Right and what constitutes the movement's influence in such elections. In her analysis of the data, the author divided candidates into five categories, three of which relate to differing levels of identification with the Christian Right. She further listed eleven educational issues that were gleaned from Christian Right sources.

Deckman's findings are based on 671 returns of a national survey of school board candidates in the mid-1990s as provided to her by local districts. Additionally, the author conducted in-depth interviews in two local districts—one in a large urban setting, Fairfax, Virginia, and another in Garrett County, a small rural district in Maryland. A copy of the survey is included as an appendix.

Of the three central questions Deckman asks, the most problematic is that of the influences on Christian Right candidates and their motivations for seeking school board positions. Because the Christian Right is a social movement, it is difficult to distinguish the influence of individual friends or acquaintances who may be Christian Right members or supporters from the influence of Christian Right groups per se. To her credit, Deckman acknowledges this problem but seems to underestimate its potential effect by emphasizing the impact of Christian Right groups over the influence of a social environment that identifies and defines educational issues from a Christian Right perspective.

In her findings, Deckman concludes that ideology is the strongest indicator of candidate motivation across all five candidate categories. Christian Right candidates were significantly more likely to emphasize traditional values and "to indicate that applying their religious or moral convictions was important to their decision to run for school board" (p. 59).

With respect to the question of strategy, Deckman found no significant data that supported Christian Right critics' charges of stealth campaigns. Candidates in all five categories pursued similar strategies that emphasized personal contacts and public fora. The survey and interviews also produced no evidence of candidate training by Christian Right organizations.

Once elected, Christian Right candidates differed only moderately from their non–Christian Right counterparts. In Fairfax, successful Christian Right candidates constituted a minority and utilized a "prophetic" model, while in Garrett County, where Christian Right school board members constituted a majority, the majority followed a "priestly" model.

Although subject to problems of ambiguity in identifying Christian Right candidates and influence, Deckman's study provides a very valuable starting point for assessing the impact of the Christian Right on American electoral politics. It is particularly strong in her identification of various levels of commitment to the Christian Right by candidates and her identification of relevant educational issues.

FRITZ DETWILER
*Adrian College*

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**The Politics of Disgust: The Public Identity of the Welfare Queen** *by Ange-Marie Hancock. New York, New York University Press, 2004. 210 pp. Cloth, $60.00; paper, $20.00.*

The dirty little secret of the historic welfare reform law of 1996 is that its proponents were by no means reluctant to push the available buttons of race and sex to get their plans for welfare retrenchment adopted. Working at the intersections of race and gender, they hammered away at the stereotype of the black welfare queen who would rather raise her children in poverty than lose "her" welfare and forego her life of idleness and promiscuity. Then, the racialized and sexualized references to welfare queens were rarely criticized in the mass media; now, serious scholarship is showing that the mass media unreflectively reinforced this discourse of disgust. The implications for creating a public discourse for rational deliberation regarding issues of poverty were nothing less than devastating. It will be some time before we recover and can talk seriously about the poverty that forces women, of all colors, to rely on public assistance.

So says Ange-Marie Hancock. And she says it so well, in compelling, even eloquent terms. And better yet, she says it with empirical evidence to buttress her deconstructions of welfare discourse. We can only hope policy makers will listen. If they do not, we cannot blame her for trying to produce serious scholarship that has political relevance. Instead, we should continue to hold her book up as a model for how academic research can be politically pertinent.

*The Politics of Disgust* is a very thoughtful, theoretically sophisticated, empirically rich analysis of the discourse of welfare reform. It has several distinctive features that merit highlighting.

First, this is a book that refreshingly integrates the study of the politics of welfare policy making with democratic theory. It asks not only why welfare reform was passed when it was and in the form it was, but goes further, to situate that question in the larger context of what the implications are for how welfare reform was framed and narrated for democratic discourse. Hancock's argument is that the repeated reliance on the image of the welfare queen in legislative deliberations and mass media reporting represents a figurative polluting of public discourse that seriously poisons people's ability to think constructively about why low-income families rely on public assistance. This not only undermines collective efforts to introduce greater compassion, equity, and fairness into our social policies, but it also weakens our collective ability to act democratically through rational deliberation. Both the poor and democracy are done a serious disservice, and we should not lose sight of this double disadvantage.

Second, the book is a striking example of mixed methods of research that combine content analysis of policy debates, as reported in the Congressional Record, and mass media coverage, as indicated by newspaper stories, with in-depth interviewing of recipients regarding how they internalize the dispiriting

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public discourse of disgust about who they supposedly are. Hancock finds that policy elites and the media who covered them provided extensive indications that the stereotype of the welfare queen was prevalent in and constitutive of the discourse on welfare reform. Her in-depth interviews indicate that welfare recipients were quite vulnerable to internalizing the disgust that was expressed about them. Yet, she also self-consciously provides an opportunity for welfare recipients to speak back to the policy elites as an explicit move to counteract the extent to which welfare reform was so often discussed by elites in terms of stereotypes and without hearing from the women recipients themselves. What we find are women who want what everyone else in our society wants—a chance to succeed in becoming self-sufficient through access to decent educational opportunities and jobs.

Hancock concludes by underscoring the profound character of what she calls the "dual threat" that the politics of disgust poses, not just for our already-inadequate system of social welfare but also for the possibilities for democratic deliberation. She calls for reinventing the idea of an independent press, and she insists on the need for a policy discourse that includes the voices of the poor and oppressed. The wise would listen; the idea of democratic citizenship, as well as more-constructive social welfare policies, depends on it.

SANFORD F. SCHRAM
*Bryn Mawr College*

**Congress, Progressive Reform, and the New American State** *by Robert Harrison. New York, Cambridge University Press, 2004. 310 pp. $75.00.*

In this book, Robert Harrison makes a significant addition to the American Political Development (APD) branch of American political science. The APD school emerged in the early 1980s in direct response to the growth of the rational-choice perspective of the previous decade. Emphasizing macro-level phenomena, rather than the micro-level phenomena pursued by students of rational choice, APD scholars endeavored to "bring the state back in" to the study of American politics. In doing so, they examined the context, timing, and sequence associated with broad institutional and policy changes in the American political system, with particular emphases on the governmental structures that emerged and/or evolved to deal with the increasing complexities of American political-economic life.

Harrison's major independent contribution to the APD enterprise is his explicit concentration on Congress. Over the last two decades, APD analyses have focused mainly on interactions among the president, political parties, and the courts, often as they relate to the growing policy- and decision-making role played by administrative agencies since the late nineteenth century. Yet, as Harrison notes, administrative capacity and bureaucratic implementation presume an initial delegation of responsibility and discretion that only Congress

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can provide. Thus, Harrison works to "bring Congress back in" to the study of APD, by focusing on policy deliberations in the House and Senate and the subsequent creation and revision of laws.

Harrison's frame of reference is congressional policy making during the Progressive Era; thus, his goal is to elucidate the causes of reform legislation across a host of substantive policy areas, ranging from railroad regulation and tariff revision to federal labor policy and social welfare initiatives in the District of Columbia. In each of his case studies, he constructs an analytic narrative that blends primary and secondary research with analyses of roll call votes using the basic scaling and cluster techniques that were the hallmark of political historians in the 1960s and 1970s. Moreover, his analyses are quite rich, in that he does not follow a narrow "demand-side" or "supply-side" perspective, but, rather, acknowledges the importance of both demand-side forces, such as interest groups, trade associations, and labor unions, as well as the broader "public," and supply-side forces, such as the individual preferences of members of Congress as well as pressures from party leaders, in the pursuit and passage of reform legislation.

To make his examination of congressional reform manageable, Harrison defines the Progressive Era narrowly, encapsulating three Congresses, the 59th through 61st, spanning the years 1905–1911. This period was marked by a growing insurgency within the Republican ranks, culminating in a broadening of policy initiatives in both chambers as well as the famous overthrow of Speaker Cannon in the House. The insurgency had its roots in the growing heterogeneity within the governing Republican Party; over time, the farming and small-business interests of members from the Midwest conflicted with the commercial and industrial interests of members from the East. Because the latter group controlled the party, and thus the legislative agenda, Midwestern Republicans became increasingly dissatisfied and finally rebelled, challenging (with the help of the Democrats) the conservative leadership. As Harrison notes: "[the insurgency] reflected a particular conjunction of economic and political circumstances and a particular set of regional interests" (p. 228).

In sum, Harrison provides a wonderful examination of the early twentieth-century Progressive movement from the vantage point of Congress. In doing so, he adds to the APD literature in a valuable way—specifically, by stressing the importance of congressional lawmaking in the development of the American state. This is an important book, which I believe will become, in short order, required reading in all graduate APD courses.

JEFFERY A. JENKINS
*Northwestern University*

**The Creation of the Media: Political Origins of Modern Communications**
*by Paul Starr. New York, Basic Books, 2004. 484 pp. Cloth, $27.50; paper, $16.95.*

The subtitle of Paul Starr's book aptly conveys the feat he has accomplished, for he has written the definitive history of how political choices have shaped the

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formation of the media. The work is truly multifaceted—it is part history, part political analysis, and part sociology. Starr's book is different from many accounts of the development of the media in four respects. He broadly focuses on information flows rather than simply news accounts in his definition of the media. He emphasizes how institutions were consciously chosen by decision makers who often had political interests in the distribution of knowledge about public affairs. He traces out how initial choices lay down tracks that determine future innovation and development, in what economists often call the logic of "path dependence." He also takes care to contrast the evolution of communications technologies in the United States with the paths followed in Europe, a helpful comparison that shows how given technologies can lead to different impacts on society, depending on the political institutions that channel their use.

A major contribution of the book is Starr's analysis of three different types of decisions that affected the growth of the media. He points out that at the heart of how information is created and distributed lies a set of property rights that define who can generate, access, and distribute information. Government definitions that govern freedom of speech, notions of privacy, and rights to intellectual property affect how information and ideas circulate. Choices about the design of communications networks and the ownership of these networks impede or speed the development of economic and political activity in societies. Starr also uncovers how the development of human capital in a country affects the media. Research is often necessary for the creation of information, and education is necessary for its processing. Starr traces out how decisions about education and research affect the type of information that circulates in a country.

The breadth of the historical analysis in the book is inspiring. Starr expands the definition of the media in his work to include the press, postal service, telecommunications networks (for example, telegraph, telephone), movies, and broadcasting. He relates how the design of political institutions across these media affected the circulation of political information, such as the policy in the early days of the U.S. Postal Service of subsidizing the mailing of newspapers to other newspapers. This practice helped spread the circulation of news across the country. He gains great leverage by showing how the deployment of the same technology (for example, telegraph, telephone) varied across countries because of political decisions made about how the technology would be allowed to develop.

It is often said that to know where you are going you need to know how you got to where you are. Starr's book does a marvelous, entertaining job of laying out the development of the media from 1600 to 1941. The work shows how decisions about a broad set of political institutions affected the growth of media and other industries, in ways both anticipated and unanticipated. The book does not attempt to provide a road map for current media policy. A theme of the book, that a given technology's development will depend on a broad set of policy choices relating to intellectual property, education, and communications networks, should make the book required reading for those

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interested in policy questions. Starr's masterful history of the political choices governing the media shows how much institutional choices can affect the circulation of information and ideas.

JAMES T. HAMILTON
*Duke University*

**Greasing the Wheels: Using Pork Barrel Projects to Build Majority Coalitions in Congress** *by Diana Evans. New York, Cambridge University Press, 2004. 280 pp. Cloth, $60.00; paper, $21.99.*

This elegant book elaborates on a central insight into congressional politics: "pork barreling, despite its much maligned status, gets things done" (p. 2). Pork barreling, legislators' efforts to obtain and take credit for local benefits, is regarded as a distinctive failing of Congress. Diana Evans, however, explores how this failing is closely connected to the success of much major national legislation. Coalition leaders in Congress distribute pork barrel projects in order to build support for national policies. Legislators who care more about providing a parochial benefit for their constituents than the broader policy issue may vote with the coalition leader in exchange for the receipt of a side-payment. Evans thus offers a major reinterpretation of pork barrel politics. Instead of viewing the phenomenon as a collective action problem—under which every legislator pursues his own individual reelection interests by seeking parochial projects, but no one pays attention to the aggregate cost—she shows that pork barrel politics can be a solution to the collective action difficulties Congress faces, with leaders exploiting other legislators' reelection motives in order to build support for policy proposals designed to serve the nation's general interests.

Coalition building in Congress has received little systematic empirical study, despite the topic's obvious importance. Most scholarship has approached this subject either with abstract theorizing or, at the other extreme, with case studies of particular legislative initiatives. Evans's book possesses the virtues of both approaches while avoiding their characteristic limitations. The book is theoretically self-conscious and rigorous, but it eschews the heroic assumptions and stylized legislatures so often found in formal theory. At the same time, it offers more-satisfying general conclusions than do case studies. Evans analyzes policy making in three very different areas: transportation, appropriations, and trade. She investigates coalition building in each with careful quantitative analysis, official records, news accounts, and interviews with congressional insiders.

The similarities across the three policy types lend confidence to her findings on the use of pork barrel projects to build legislative coalitions. Across the board, leaders had difficulty confining benefits narrowly to wavering or potential supporters. Once members realize projects are being offered, they withhold consent and demand a share, even if they might have supported the policy without the extra incentive. Despite this pressure, the strategy remains a highly effective

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way for leaders to build support. For surface transportation, trade, and some appropriations, members who received parochial projects were substantially more likely than were members who received no projects to vote with the leaders who conferred the benefits. Differences among the three areas suggest important limits on the efficacy of the strategy. If policy disputes involved central issues that divide liberals and conservatives or define the two major parties—as was often the case with controversial policy riders attached to appropriations bills—leaders were unable to buy votes with mere parochial projects.

Policy crafted through the use of parochial side-payments may be counter to the preferences of a national majority of citizens, and excessive use of pork projects may outweigh broader policy benefits. While acknowledging these difficulties, Evans suggests that they are not likely to be a major problem. First, she found that legislators were unwilling to betray larger commitments of ideology or partisanship in exchange for a little pork; when such highly salient matters were at issue, vote-buying strategies were unsuccessful. Second, despite the pressures to expand their number, the cost of pork projects is far less than editorialists might lead one to believe, approximately 1.6 percent of the federal budget. Clearly, pork does not overwhelm national policy making and cannot begin to account for the nation's overall fiscal health. Evans's book thus serves as an important, balanced corrective to prevailing scholarly and journalistic views of pork barrel politics.

FRANCES E. LEE
*University of Maryland*

**The American Ballot Box in the Mid-Nineteenth Century** *by Richard Franklin Bensel. New York, Cambridge University Press, 2004. 320 pp. Cloth, $65.00; paper, $23.99.*

Richard Franklin Bensel's study of voting behavior in the mid-nineteenth century is a careful, provocative, and detailed examination based primarily on the published hearings of contested elections to the House of Representatives between 1850 and 1868. The focus of the study, Bensel emphasizes, is not on the "merits of the contest," but on "how witnesses described what a normal election should look like" (p. 7). The study includes forty-eight contested elections to the House during this period, but it excludes contested elections in the South during Reconstruction.

The author recognizes that the hearings are subject to bias, because they are not well distributed, either geographically or by year, and more significantly, because the evidence is derived only from contested elections. He goes on to challenge, nonetheless, a considerable body of historical writing on mid-nineteenth century politics that takes for granted that voters made rational choices among candidates and issues in casting their votes. He argues, instead, that a very large portion of the voting public voted with little or no regard to the issues

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or the positions of the candidates. This widespread lack of understanding of or interest in national or state policy led local party workers to use bribery, deception, fraud, and sometimes violence to win elections. "But, most important, party agents relied on the ethnic and religious identities of these voters" (p. 3).

Chapters in this study elaborate on this ethno-cultural interpretation by discussing the typical layout of the polling place and the behavior of the crowds, election officials, party workers, voters, and onlookers. In eastern rural areas, older, more-stable communities predominated and election officials and party workers were better acquainted with issues of voter eligibility. However, in cities with high population density and large immigrant populations, there was "a reliance on stereotyped ethnic and class characteristics ... as a means of identifying voters with a particular party organization or as not qualified to participate in an election" (p. 140). Large, unruly crowds, widespread drunkenness, fraud, intimidation, and violence "were archetypal elements of urban elections throughout the United States in the nineteenth century" (p. 149). This interpretation is also applied to voting on the frontier and to voting in the Union Army during the Civil War.

This study is fascinating and readable, but it is not, as many generalizations in the book and the title suggest, a convincing general assessment of voting behavior in the United States in the mid-nineteenth century. In the first place, the contested elections examined here do not constitute a random or representative sample. Moreover, only forty-eight out of roughly 2,137 elections to the House of Representatives between 1850 and 1868, about 2.3 percent of the total, were actually contested. The geographical distribution of the contested elections is very unrepresentative. Nearly half (43.8 percent) of the contested elections occurred in the border states: twelve in Missouri, five in Kentucky, and four in Maryland. No account is taken of the population distribution of the United States during these years, which means that the generalizations about urban voting are especially suspect. Six of the forty-eight contested elections took place in the sparsely populated frontier, but only three in New York, one in Massachusetts, and just nine in Pennsylvania. Although 16 percent of Missouri's House elections were contested, only 1 percent were challenged in New York and approximately 3.6 percent were challenged in Pennsylvania. In sum, this study of a small number of contested elections has some historical interest, but there is little reason to believe that the findings apply in any general sense to voting behavior in the United States in the mid-nineteenth century.

HOWARD W. ALLEN
*Southern Illinois University, Carbondale*

**Think Tanks, Public Policy, and the Politics of Expertise** *by Andrew Rich. New York, Cambridge University Press, 2004. 270 pp. $65.00.*

In early twentieth-century America, the role of public policy research institutes, or think tanks, as they are more commonly known, seemed relatively unambigu-

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ous. Created by philanthropists who believed that the public interest could be served by encouraging scholars to draw on their expertise to address a wide range of social, economic, and political issues, think tanks such as the Russell Sage Foundation, the Carnegie Endowment for International Peace, and the Brookings Institution quickly established themselves as neutral and nonpartisan centers engaged in rigorous research and analysis.

However, as Andrew Rich points out in this thoughtful and detailed study, as the marketplace of ideas has become increasingly competitive, think tanks, like interest groups, have sought to become more entrenched in the policy-making process. For think tanks such as the Heritage Foundation, the American Enterprise Institute, and, yes, even the Brookings Institution, this has meant devoting more time and resources to political advocacy than to policy research, a disturbing trend that, according to Rich and other scholars, has seriously undermined their ability to provide timely, sound, and meaningful policy expertise.

Unlike many journalists and scholars who assume that the proliferation of think tanks in the United States since the late 1960s is a testament to their growing influence, Rich argues that "think tanks have not achieved the substantive influence on U.S. policy making that their increased numbers might suggest they could" (p. 215). By exploring the role of think tanks in three highly contentious policy debates during the Clinton years—health care reform, telecommunications reform, and policy enactment on the tax cut—he shows that, with few exceptions, think tanks made only modest contributions to shaping the parameters of policy discussions. When they did become engaged in these and other debates, Rich claims, it was usually after the battle lines had been drawn by Democrats and Republicans. In short, he argues that by assigning a higher priority to enhancing their media profile than to producing high-quality research, think tanks have squandered their potential influence.

It is difficult to take issue with Rich's assessment of how think tanks have evolved and why policy makers and the public should question their integrity and credibility. But one could criticize how he studies and interprets think tank influence. For instance, in surveying the attitudes of a select group of policy makers and journalists about think tanks, he acknowledges that "'influence' is left undefined" (p. 79). This is problematic for several reasons, primarily because influence can be measured and interpreted in many different ways. Moreover, although Rich devotes considerable attention to how think tanks rely on the media and on congressional testimony to convey their ideas, he overlooks other important channels they frequently pursue to enhance their profiles. These include participating in presidential campaigns and transition teams, and accepting senior positions in the administration. Little mention is made of the revolving door between think tanks and government, a unique institutional feature of the American political system. There is no doubt that such close proximity to the White House and the bureaucracy strengthens the position of think tanks.

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Measuring the influence of think tanks poses serious methodological obstacles, and few scholars can navigate their way past all of them. To Rich's credit, he has shown what steps can be taken to probe more deeply into how influence can be assessed and why some think tanks are more successful in the political arena than others. This book will no doubt become a reference guide for those looking to better understand the role of think tanks and policy experts in American politics. It is, to put it mildly, a significant contribution to the literature.

DONALD ABELSON
*University of Western Ontario*

**Command of Office: How War, Secrecy, and Deception Transformed the Presidency from Theodore Roosevelt to George W. Bush** *by Stephen Graubard. New York, Basic Books, 2004. 560 pp. $30.00.*

Stephen Graubard has written several books on American and British politics, but none more ambitious, idiosyncratic, or annoying than this. The ambition is evident in the topic and approach. Graubard essays to examine the modern presidency, and does so through chapters on every chief executive from the first Roosevelt to the second Bush. Warren Harding and Gerald Ford receive their due, alongside Graubard's favorites, Theodore and Franklin Roosevelt.

The idiosyncrasy surfaces in the interpretations Graubard offers of his subjects and their times. America, he says, is "the last major fundamentalist Christian nation" (p. 29). Apart from whether there have been any other Christian fundamentalist nations, the skeptical reader reflects that Christian fundamentalists are not a majority in the United States today and never have been. (Apparently their number looms larger from the perspective of Graubard's home in England, to which he retired from the history department at Brown University.) Graubard adduces the silence of Calvin Coolidge regarding the Scopes evolution trial as evidence of Coolidge's insistence on avoiding "any matter that might conceivably offend any among the many millions who had voted for him" (p. 182). In reality, it wasn't Coolidge's unwillingness to give political offense—he wasn't going to seek reelection—but his respect for judicial autonomy and states' rights that kept him from weighing in on the actions of the Tennessee courts. When Graubard laments that memoirs by presidents have become "commercial products" (p. 552), he fails to note that the pioneering work of the genre, the memoir of Ulysses Grant, was promoted more shamelessly than even Bill Clinton's.

The annoyance Graubard evokes has several sources. The book is poorly edited, filled with spelling errors: ("Coolodge": p. 40; "Padernales" for "Pedernales" River: p. 351), redundancies (Nixon's legacy "was to make the vice presidency coveted, positively desirable": p. 43), misplaced modifiers ("A master dissembler both in the beginning and at the end, luck never deserted him": p. 472), and tangled syntax ("Almost nothing in the career of George W. Bush,

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except for the advantages he derived from being the son of a former president, compared with those enjoyed by John Quincy Adams": p. 535).

More seriously irksome is Graubard's habit of tossing off judgments unsupported by evidence or meaningful citation. In speaking of Theodore Roosevelt's 1900 vice presidential nomination, Graubard refers to Roosevelt's "habitual lack of candor" (p. 34). This is followed by an endnote reference, which the diligent reader chases down, to discover not corroboration but repetition: "Roosevelt, an accomplished dissembler, never really explained when he finally decided to seek the post and why he did so" (p. 579). Graubard asserts that George H.W. Bush "knew everything about the sordid Iran-Contra deal" (p. 47); the associated note is, again, simply more of the same: "Bush was always the soul of discretion, showing these qualities as much when he served under Nixon as under Reagan" (p. 584).

Graubard obviously intends to provoke, but one wishes the provocation had more to do with the central argument of the book, which is that the modern presidency has fulfilled the warning implicit in Alexis de Tocqueville's observation that "the President of the United States possesses almost royal prerogatives which he has no occasion to make use of" (quoted by Graubard, p. vii). Graubard is correct that the twentieth century provided the occasion, and that modern presidents refashioned their office into one with many of the trappings of royalty. But Arthur Schlesinger, Jr. said much the same thing three decades ago in *The Imperial Presidency*. And if Graubard detects White House royalism a generation or two earlier than Schlesinger did, that finding hardly supports the breathless tone of this frustrating book.

H. W. BRANDS
*University of Texas*

**Islam in Europe: Integration or Marginalization?** *by Robert J. Pauly, Jr. Burlington, VT, Ashgate Publishing, 2004. 191 pp. $94.95.*

The topic of "Islam in Europe" gained considerable importance after September 11. The terrorist attacks, followed by the U.S.-led war against Islamic terrorism, turned an otherwise improbable paradigm of "Clash of Civilizations" (Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order,* New York: Touchstone, 1997) into a self-fulfilling prophecy. As Americans and Europeans learned about political Islam, their concerns about Muslims in Europe grew, parallel to media reports focusing on Mohammed Atta and Zacarias Moussaoui, extremists who came to the United States after being radicalized in Europe. Of course, it was rather odd that Europe itself did not experience Islamist terrorism on the scale of the September 11 attacks. Yet, the Madrid terrorist attack of March 2004 and a series of politically motivated assassinations in Holland clearly illustrated that Europe is not immune.

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In this timely book, Robert J. Pauly correctly identifies the political challenge facing Europe: integrating its fifteen million Muslims. Conceived as a doctoral dissertation, this study puts alarmist rhetoric aside, but warns that Samuel Huntington's paradigm of confrontation between Muslims and Christians is more likely to take place inside Europe, rather than in an abstract inter-civilization framework. In that sense, Pauly clearly recognizes that the economic, political, and social marginalization of Muslim communities in Europe has serious domestic and international security implications. His analysis of the 2001 ethnic riots in northern England, the series of terrorist bombings in France throughout 1995, and radical right-wing attacks against Turks in Germany throughout the 1990s clearly illustrate the point.

However, when it comes to the fundamental question of how to promote Muslim integration in Europe, Pauly's recommendations are rather generic and abstract. Pauly does a much better job in defining a set of socioeconomic and political indicators that describe Muslim marginalization in France, Germany, and the United Kingdom, the three countries analyzed in this work. He presents a well-conceived model based on demography, economics, social interaction, and politics that helps illustrate problems such as disproportionately high levels of unemployment, low levels of intermarriage (with the majority population), and quasi-absent political representation.

On the question of how to improve Muslim integration in Europe, however, the book has a methodological problem. It fails to focus on a crucial debate taking place in Europe about the growing tension between multiculturalism and integration. Although assimilation is now considered a dated and politically incorrect concept (even in France, where it was originally conceived), there is an increasing realization in Europe that multiculturalism is also failing. The United Kingdom, and particularly Holland, two countries where multiculturalism received official acceptance, are painfully coming to terms with the fact that multiculturalism came at the expense of integration. In its constant drive to legitimize and tolerate differences in the name of diversity, multiculturalism is now increasingly being perceived as a policy that has created "parallel societies" where marginalization continues and equality remains elusive.

Pauly is right when he argues that "long-term integration necessarily entails interactive policy formulation, coordination, and implementation at the local, regional, and national levels" (p. 56). Yet one is left wondering what kind of policy formulation he has in mind. It is, of course, unfair to expect one-size-fits-all measures to address deeply rooted, complex problems related to identity formation in Europe. But this is exactly why the book's comprehensive and incisive diagnosis of Muslim marginalization in Europe deserves a comparative analysis of the following issues: first, peculiarities of French "laïcité" versus British secularism and Germany's corporatist approach to organized religion (In the case of France, the formation of the "French Council of Muslim Faith" and the headscarf debate deserve stronger analytical focus.); second, how to balance multiculturalism, integration, and assimilation with corresponding mod-

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els of citizenship building; third, how to improve Muslim employment (technical education, micro-credit programs, etc.); and fourth, at the EU level, the benefits of including Turkey, in terms of shaping a new identity for Europe.

OMER TASPINAR
*The Brookings Institution*

**We, The People of Europe? Reflections on Transnational Citizenship** *by Etienne Balibar, translated by James Swenson. Princeton, NJ, Princeton University Press, 2004. 312 pp. Cloth, $55.00; paper, $17.95.*

The title and subtitle of this book tantalizingly promise more than they deliver. This is not surprising, although one would rightly hope to find, in the work of an esteemed and seasoned scholar such as Etienne Balibar, the solution to the vexing problems evolving out of the European Union's search for citizenship. But Balibar, after all, is only human, and even he cannot guide us out of the thickets of EU citizenship that grow from the decades-long, fumbling efforts of well-meaning Eurocrats and statesmen. As Balibar himself suggests in this book, achieving lucidity about the precise meaning of EU citizenship will be a long and arduous *social* process, and not something that can be arrived at simply by reading one book.

This book is, at base, a collection of diverse essays that were assembled from talks given at various universities and conferences over the years. Unfortunately, the book does not bear the traces of this amalgamation lightly, and at times, one can easily lose track of the main conceptual points of the work. Redundant and oddly dated in places, this book should not be treated as the unified whole that it purports to be.

Instead, perhaps, its most promising attribute lies in where it might find a potential audience—counterintuitively, *outside* the realm of EU scholars. Scholars of Europe will be disappointed by this book, because it provides very little of anything new beyond previous publications of Balibar and others. Its primary point—a point that most scholars of the EU agree upon—is that there is not, as yet, a European "people." The construction of a European *demos* will require the surmounting of many obstacles, and it is precisely in the surmounting of these obstacles that a people will be formed (Balibar believes that Europe will achieve not a collective ethnic identity—*ethnos*—but rather a "constituent political power" [p. 157] that achieves unity not in opposition to an Other, but rather through collective action in a series of "worksites" [p. 162]). In the meantime, the lack of a distinct "people" disallows the EU from having any sovereignty as such, and thus Balibar develops interesting insights into the history of the notion of sovereignty and suggests ways in which the EU might eventually attain legitimacy in this area.

And, thus, there is much merit to this book (in particular, the second half of the book) as a work of political philosophy, inasmuch as it provides new analy-

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ses of the concept of sovereignty and develops new ideas about the nature of citizenship under post-modern conditions. Its greatest contribution, then, may well be that it presents the novel undertaking that is the EU to a broader population of scholars, who should start recognizing it for the interesting laboratory that it represents. As Balibar himself says, "The questions raised by European unification, and the tensions it serves to reveal, form a particularly privileged object for political philosophy" (p. 155). If this book serves only to alert more people to this obvious fact, it will have been worth writing.

But there is more, as Balibar glides effortlessly through an extraordinary array of philosophers, ranging from Jean Bodin to Friedrich Hegel to Gilles Deleuze, in order to make his arguments. His erudition is on display as he illuminates what he sees as a European "apartheid" emerging out of the constitution of EU citizenship. He openly announces his belief in activist scholarship as a method for combating this odious development. In arguments such as these, one can see not only the passion of a committed scholar but the well-reasoned positions of a man who sincerely hopes, one day, to be a European citizen.

GUSTAV PEEBLES
*Columbia University*

**Procedural Politics: Issues, Influence, and Institutional Choice in the European Union** *by Joseph Jupille. New York, Cambridge University Press, 2004. 294 pp. $80.00.*

"We can understand neither power, nor policy, nor institutional change in the absence of a theory of procedural politics,"(p. 224) Joseph Jupille claims. However, politicians understand those quite well without an explicit theory. Indeed, if they did not understand them, they could not optimize in the ways the theory suggests. Nevertheless, Jupille shows that, as is often the case, formally laying out the theory is rewarding.

Jupille's theory is all about rules. Or more precisely, bargaining over rules: not what the formal rules should be, but which of these rules should apply, what legislative processes should be used, how policy should be made. His procedural politics theory raises many interesting questions, not just for EU scholars, but also across a variety of systems ranging from international organizations to national politics.

In recent decades, scholars like Barry R. Weingast, George Tsebelis, and Geoffrey Garrett have developed theories about the effects of rules. Jupille takes this literature one step further by asking: what are the empirical conditions under which the "effects literature" applies? The argument is straight rational choice. When does it happen? Procedural politics is a product of opportunity and potential gain: the more ambiguous the legislative process and the greater the possible difference in influence to various actors from various

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processes, the more likely will we see a fight over rules. How is it done? Actors frame issues to fit the procedure they favor, and they form coalitions that back their procedural preference. Why does it matter? Jupille claims two primary effects: first, procedural politics is inefficient, because it takes longer; and second, procedural politics increases the chance of higher-order institutional change.

The book is very thorough, is organized in a masterly fashion, and is painstakingly systematic. Even the conclusion has periodic summaries, so parts of the book can constructively stand alone. Jupille combines quantitative and qualitative analysis, although some readers will want to know more about coding and measures. Impressively, he has coded 444 legislative cases on numerous variables from an original dataset of 4,700 legislative cases between 1987 and 1997. The operationalization might irk some: the actors are reduced to Parliament, the Commission, and the Council. However, although the Commission is supposedly removed from national politics, Parliament is not, and the Council certainly is not. Indeed, not only are these actors not monolithic, but perhaps (more?) interesting procedural politics occurs between states in the Council. Does the Council as an actor want to increase its influence? Does that hold for a German minister in the Council?

The book excellently lays out the theory of when and how procedural politics happens. It is a showcase of how to build on existing theory and present a new theory.

The answers to why procedural politics matters are somewhat more debatable. Let us consider efficiency. The question is: compared to what? Yes, procedural politics takes longer. But efficiency is surely more than time. Does it improve outcomes? Is there simply more procedural politics the more important the issue? If the bargaining ultimately allows for a more optimal outcome, is that less efficient? The other effect of procedural politics is supposedly higher-level institutional change. This is an interesting hypothesis. But has institutional revision in the EU produced less procedural politics waste? A theory of what kind of institutional change procedural politics brings about might be useful. Might there be an incentive to increase ambiguity?

That the book raises these debates is proof of its usefulness, however. The many questions raised show the wealth of further theory it might produce. Although the rational choice explanations are intuitive, the broader analysis engenders a host of new hypotheses that go to the core of policy making and broader institution building.

JUDITH KELLEY
*Duke University*

**Ethnic Politics in Europe: The Power of Norms and Incentives** *by Judith G. Kelley. Princeton, NJ, Princeton University Press, 2004. 264 pp. $35.00.*

The state is not what it used to be. Globalization has whittled away its sovereignty from numerous directions. This decline in sovereignty has not only

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limited the capacity of states to make social and economic policy, it has constrained the ability of states to define their own national identities. Judith G. Kelley argues that international institutions play a crucial role in shaping the policies of states toward ethnic minorities. Her argument reflects the growing awareness that public policies of states can only be understood in an international context. Scholars and policy makers accept that international lender organizations can extract structural adjustments from states, but this book reveals the extent to which international institutions use "conditionality" to induce states to comply with the institutions' commitment to the guarantee of minority rights, shaping a state's national identity.

Kelley examines the roles of the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), and the Council for Europe (CE) in using normative pressure and membership conditionality in shaping language, education, and citizenship policies toward ethnic minorities in Latvia, Estonia, Slovakia, and Romania in the 1990s. Using both quantitative and qualitative data, Kelley codes and describes sixty-four cases of policy outcomes across the three sets of policies and four countries. She analyzes the independent effects of normative diplomatic pressure, international institution membership conditionality, active international institution involvement, domestic opposition, authoritarian leadership, and ethnic minorities in government on the compatibility of state policy outcomes with EU, OSCE, and CE preferences. Although normative diplomatic pressure alone has a small positive effect on policies related to ethnic minorities, making institutional membership conditional on adopting recommended policies had a much larger effect. When domestic opposition to institutional policy preferences is strong, the impact of normative pressure is minimal but the effect of membership conditionality, while weakened, remains strong. An authoritarian leader increases the likelihood that the ethnic policy will be incompatible with conditionality. His willingness to use nationalist sentiments as a mobilizing tool can encourage him to reverse the impact of institutional conditionality. A state's overconfidence or pessimism as to the chances of receiving membership will diminish the ability of membership conditionality to effect policy outcomes. A gradual admissions process, including several steps, makes policy compliance more likely and conditionality more effective.

This book uncovers important questions and leaves others unanswered. Kelley guides us to many of those questions herself. Of all the international institutions that provide tangible payoffs, few outweigh the EU, OSCE, and CE. Gaining membership promises to open a wealth of economic opportunity for states emerging from communism. The leverage provided by conditionality in Kelley's cases may be *sui generis* and may tell us more about European institutions than about international relations generally defined. Kelley also asks, once membership is offered, what leverage is left to guarantee implementation and outcomes?

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There are other issues that are not fully addressed. Kelley does not analyze the variations of mass attitudes with respect to issues of education, minority rights, and citizenship. This is important because one might expect to see greater variation in attitudes toward these issues in newly independent states. Would such flexibility toward national identity be manifest in older states that have a more reified sense of national identity? The four cases in this book do not have enough variation on this variable. Ultimately, we cannot conclude from these four cases whether other international institutions can manifest such leverage, particularly in states with established national identities. Then again, it is always easy to highlight questions that a book could have answered but chose not to for justifiable methodological reasons.

SAUL NEWMAN
*American University*

**Russia's Restless Frontier: The Chechnya Factor in Post-Soviet Russia**
*by Dmitri V. Trenin and Aleksei V. Malashenko with Anatol Lieven. Washington, DC, Carnegie Endowment for International Peace, 2004. 253 pp. Cloth, $50.00; paper, $24.95.*

This attractive volume first appeared in Russian as *Vremya Yuga: Rossiya v Chechne, Chechnya v Rossii* (*The Time of the South: Russia in Chechnya, Chechnya in Russia*, Moscow: Gendalf, 2002). As often happens, translating such a politically charged text amounts pretty much to writing a new book. Although the structure is the same, every chapter is seriously re-worked and updated, except for a short essay by Anatol Lieven ("Chechnya and the Laws of War," pp. 209–224), which looked as foreign in the Russian book as it appears in an unnecessary addendum to the book reviewed here.

The ten-year-old war in Chechnya receives far less international attention than it needs, because President Vladimir Putin angrily cuts short every question he perceives as provocative, but at least academic literature on the war continues to grow, and this book makes a valuable contribution to that literature. Those readers looking for theoretical rationalization or deconstruction of the war should look elsewhere; there is also not much in terms of microanalysis based on first-hand impressions. Instead, the authors concentrate on their acknowledged strength: Dmitri Trenin is a top commentator on Russian military and security affairs, and Aleksei Malashenko is a leading expert on political Islam in and around Russia. Both are determined to maintain independence of judgment and are not among the choir praising the Kremlin's wisdom, so the Carnegie Moscow Center is the perfect home for them.

Their point that "the Chechen campaigns have constituted a turning point in . . . Russian military history" (p. 103) is supported by extensive evidence, but the reader is left pondering the failure to use accumulated experience in reforming the armed forces. There is a clear contradiction between the maturing

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state-centric political philosophy, which asserts the preeminent importance of military power, and the inability of the Russian leadership to build usable instruments of this power. The analysis here, while not perfectly logical in its structure, shows clearly that it is not a lack of resources that is causing the structural degradation of Russia's army under the burden of Chechnya; it is much more a lack of political will to arrest this trend. The authors prefer not to go into assessments of the impact of Chechnya on the evolution of Putin's leadership, so this lack of will to invest in crucially important assets remains unexplained. In fact, it very well may be a rational political choice of Russia's seemingly omnipotent leader, who knows that building a modern military machine would mean empowering the generals—and he cannot take their loyalty for granted.

Keeping Putin in the periphery of their attention, the authors focus more on Russian society, which responded strongly and negatively at the start of the first Chechen war, then approved the new invasion, and then slipped into hopeless indifference. All sorts of phobias are brewing in this political apathy, and the myths about "Qur'an-and-Kalashnikov-wielding militant Islamists" (p. 48) spun by official propaganda exploit rather then address the traumas of this organized murder, brutal beyond description. We now know that even the horror of the Beslan school massacre awakened Russia only momentarily, and that in a matter of a couple of months, the country retreated back into protective denial. This lack of societal demand for ending the war makes it perfectly possible for Putin and his court to continue the course of "Chechenization" of the conflict, even after the assassination of Akhmad Kadyrov, who was the central figure in this political design. Trenin and Malashenko, therefore, do not try to propose a peace plan for Chechnya, and they also refuse to speculate about a disastrous turn in the war that would bring it to an end. At the moment of this writing, the situation is clearly worse than at the moment of their writing—but there is still only darkness in the tunnel.

PAVEL K. BAEV
*International Peace Research Institute, Oslo*

**Crafting Democracy: How Novgorod Has Coped with Rapid Social Change** *by Nicolai Petro. Ithaca, NY, Cornell University Press, 2004. 255 pp. $39.95.*

Nicolai Petro has crafted a book of great merit, starting with its subject—democratization on a regional scale, as opposed that of an entire country. In addition to painting a vivid picture of Novgorod, he examines different approaches toward explaining the phenomenon of its democracy, enlisting numerous works on democracy building. He loves the object of his study—Novgorod Oblast under Governor Mikhail Prusak, and its medieval prede-

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cessor. The affection of the author for his subject is, however, so great that at times he loses the ability to make objective and balanced evaluations.

Nikolai Petro appears to have come to the conclusion that "democratic consolidation is well under way in Novgorod" prior to his study, and the purpose of his analysis appears to be to corroborate this conclusion. The reasons for this conclusion include the construction of a new constitutional order, the level of economic development, and the quality and quantity of voluntary associations. However, thorough evaluation of each of these components is lacking—often there is instead mere speculation. Moreover, these conditions are necessary but not sufficient for the transition to democracy, and evidence of the completion of the democratic transition in the region is tenuous.

The author portrays Novgorod as one of most democratic regions of Russia, if not the most democratic, alluding to democratic traditions rooted in the Middle Ages, and making selective use of history in presenting what amounts to a regional myth. One can add to this historical myth the modern one—that Novgorod is a pioneer in democracy building and, in general, a "wonder." However, according to regional ratings of democracy, Novgorod was twenty-second of twenty-six in 1991–1999 and sixteenth in 2000–2004. The instrumental electoral evaluation of democracy in Novgorod is much worse, putting it at seventieth in 1998–2002 and forty-ninth to fifty-first in 2003–2004.

Instead of basing his conclusions on solid facts, the author uses proxies and indirect indicators, for example, election participation in 1995–1999; whereas elections themselves—their procedures and outcomes—should be the focus of political evolution analysis tracing the real progress of democracy. During the first two centuries of the Novgorod republic, there were fifty-eight transfers of power—one every three to four years, on average. However, the first governor appointed by Boris Yeltsin—without the approval of the legislature—ruled for thirteen years. The region has held three gubernatorial elections since then, none of which resulted in a transfer of power. Not only have recent elections in Novgorod not led to a transfer of power (unlike those in neighboring Pskov, which is far less democratic, according to Petro), they have demonstrated a decline in participation and in political competition, appearing similar to the Central Asian plebiscitarian model, in which the incumbent usually receives more than 90 percent of the votes.

Today, political developments on the national level greatly influence the process of democratization at the regional level. This is especially true with regard to Russia, which was rated a "non-free state" in 2004 by Freedom House. Although self-sufficient to a certain extent, the region of Novgorod is not isolated. But Petro scarcely alludes to parallel national and regional transformations and their mutual influence. He mentions that Novgorod Oblast was among the first to conduct gubernatorial elections (something of an exaggeration—there were twelve regional heads elected in ethnic Russian regions and seventeen more in ethnic republics before Novgorod's elections) and that Novgorod pioneered legislation on self-administration, which was later used by other re-

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gions and the federation. However, the importance of national–regional interaction can be illustrated by the fact that Mikhail Prusak, before his election as governor of Novgorod, was either the leader or a member of the highest ranks of three federal parties: the Party of Russian Unity and Accord, Our Home Russia, and the Democratic Party of Russia. And it was Prusak who, in 1999, suggested a return to appointing governors instead of holding direct elections—an idea later implemented by Vladimir Putin.

Much about Prusak himself is presented, but no reference is made to the fact that he and a number of key people in his circle came from outside the region and have High School of Komsomol backgrounds, and that they were dianetics supporters in the mid-1990s. Why is the person of Prusak so important? Because he is the typical "father of the region" in a delegative democracy in which there exists an established paternalist relationship between society and the authorities.

These criticisms aside, Nikolai Petro has written a book of great value that can be considered an important landmark in both democratization and regional studies. (It is not by chance that the Russian and English editions came out simultaneously.) My comments should serve to underline the complexity and multifaceted character of the subject, and the need for deepening and widening the factual base and for provision of new and high-quality research, including comparative studies.

NIKOLAI PETROV
*Carnegie Moscow Center*

**China's Democratic Future: How It Will Happen and Where It Will Lead**
*by Bruce Gilley. New York, Columbia University Press, 2004. 288 pp. $29.50.*

Against the backdrop of a government crackdown now unfolding in the People's Republic of China (PRC) against "public intellectuals"—prominent historians, economists, writers, and scholars who have voiced concerns about various aspects of current regime policies—this book sounds an optimistic note about the prospects for political change in China. Inspired by Francis Fukuyama's famous endorsement of liberal democracy, Bruce Gilley predicts an elite-led transformation in the coming years that will remove the Chinese Communist Party from power and replace it with a more broadly democratic regime.

Despite a truly impressive bibliography of Chinese and Western sources, this volume does not present a scholarly analysis in the traditional sense. Gilley does not undertake a detailed analysis of prevailing models of political change, nor does he submit an extended critique of the current literature on transitions to democracy, although he is clearly conversant with both. What Gilley offers instead is a "forward-looking narrative" that "offers hope to a nation still reeling from the trauma of the 1989 Tiananmen Massacre [and] challenges the resignation and disillusion that have gripped public life in China . . ." (p. x). Gilley

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eschews the objective and impersonal tone found in most social science writing in favor of a decidedly more partisan stance: "For the purposes of foreign governments, civic groups, and individuals with a stake in democracy in China or wishing to support it, I have sought to draw out the policy implications throughout the narrative. If this book helps accelerate that process wisely, so much the better" (p. xiv).

The book is divided into three sections. Part one describes the broad contours of what Gilley refers to as the current political crisis in the PRC. Since the fall of imperial rule in 1911, Gilley argues, China's paramount leaders—Yuan Shikai, Chiang Kaishek, Mao Zedong, Deng Xiaoping, Jiang Zemin, and, currently, Hu Jintao—have consistently chosen to subvert the democratic impulses of the Chinese people and to quash their repeated calls for self-determination. Yet, nonetheless, those in power have relinquished a measure of authority in recent years, inadvertently creating a range of social resources from which reformers can draw. Gilley evaluates the range of institutional and economic forces that comprise China's nascent civil society, and finds it increasingly conducive to a democratic breakthrough. Part two evaluates probable transition sequences, including gradual imposition of democratic reforms, a sudden, crisis-driven political collapse, and endemic popular contention possibly leading to the violent overthrow of the state. However, the most likely trajectory is regime-led extrication, whereby reforms spearheaded by an elite faction and supported by the masses produce an interim regime that will push for both elections and a new constitution. Finally, in part three, Gilley considers the possible future courses of democratic consolidation in the PRC: the types of institutions that are likely to be adopted, how democratization may impact further economic development, and China's foreign policy.

While Gilley has produced a lucidly written portrayal of a Chinese polity that may indeed exist one day, its merits are difficult to evaluate precisely because the work is primarily predictive in nature. The a priori assumption of China's democratic future either delimits consideration of a fuller range of more-nuanced political possibilities, or elides it. When Gilley offers Mongolia, Taiwan, Singapore, and Bangladesh as examples of functioning Asian democracies, it is not at all clear how he is defining the term, and, therefore, China's progress toward that ideal.

PATRICIA M. THORNTON
*Trinity College*

**China at the Crossroads** *by Peter Nolan. Oxford, UK, Polity Press, 2004. 224 pp. Cloth, $61.95; paper, $26.95.*

**China's New Nationalism: Pride, Politics, and Diplomacy** *by Peter Hays Gries. Berkeley, University of California Press, 2004. 244 pp. $24.95.*

In an intriguing but uneven study, Peter Nolan addresses the question: "Is it possible for China to build a civilized, socially cohesive society over the next few decades, during what is still the early phase of China's industrialization, and during which time there will still be a huge rural reserve army of labour?" (p. 1).

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Nolan's analysis is organized into three parts. In the first, and best, section, he describes challenges facing China's leaders, including income inequality, environmental degradation, diminishing state capacity, uneasy relations with the United States, corruption, and a looming financial crisis. Given these formidable challenges, he asks, how can China develop beyond the crossroads in which it currently finds itself?

The second section addresses this question through an examination of "a variety of models [that] have been suggested" (p. 60). These include a "Realist" development strategy of primitive capitalist accumulation, a "human rights" approach, and a return to the "mass line" politics of Mao Zedong. In describing the Realist developmental model, Nolan rejects the claim that the East Asian "tigers" are the obvious economic models for China. Rather, China's vast labor surplus in the countryside makes its current situation more analogous to England during the early stages of industrialization and to Meiji Japan, both of which prolonged the more socially disruptive transformation of labor from a predominantly rural force to a primarily urban one.

The section somewhat misleadingly labeled "human rights" along the U.S. model is quite thought provoking, particularly because it delivers such a blistering critique of the United States. At the same time, however, Nolan creates something of a straw man, inasmuch as very few thoughtful analyses of China would seriously offer such a literal prescription as that suggested by Nolan's paraphrasing of the debate.

The third model is even more tenuous. A few graying cadres aside, there is little support in China for a return to Maoism. The fact that General Secretary Hu Jintao cited Mao during his early speeches does not signal a turning back of the clock. After all, Deng Xiaoping's two clarion calls for reform—"seek truth from facts" and "practice is the sole criterion for truth"—were also quotations from Mao, deliberately cited out of context. Hu's shift toward populism is seen by many as a healthy realignment away from the economic excesses of the Jiang Zemin era, not as a return to mass line politics.

The current wisdom of how China has succeeded so far under reform is that its leadership has mastered the art of muddling through. This is, in fact, what Nolan prescribes, after a fashion, in section three. Unfortunately, in this final section, the analysis diverges sharply, and jarringly, from what has come before.

Rather than calling for a retreat of the state, Nolan argues that Confucius and Adam Smith share a number of similar insights that could act as important guidelines for China. These include benevolence, admonition of blind pursuit of wealth and social position, commonly held ethical views as the cohesion of social order, civilization and creativity, the family, education, ethics, and tranquility and happiness. This unorthodox normative prescription closes out the book.

Throughout the study, Nolan draws from sources that are either immediate (mostly newspapers), dated, or that are from non–China-specific classics of economics and politics. By ignoring the current work on Chinese politics, Nolan's own analysis ends up sounding strangely detached from its subject.

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However, even if the whole is less than the sum of its parts, this book is a provocative, if ultimately flawed, application of economic history to contemporary China.

Peter Hays Gries tackles the subject of Chinese nationalism. Drawing from social psychology, Gries defines national identity as "that aspect of individuals' self-image that is tied to their nation, together with the value and emotional significance they attach to membership in the national community" and nationalism as "any behavior designed to restore, maintain, or advance public images of that national community" (p. 19). Discussing the concept of "face," or "collective self-esteem," (p. 111), Gries argues that such "an interplay of self and society in the process of constructing personhood" (p. 23) is a universal phenomenon. In discussing misunderstandings between China and the United States (and to a lesser extent between China and Japan), Gries suggests that these bilateral relationships, when centering on an emotional issue, involve issues of face on *both* sides, exponentially complicating the situation. This de facto comparative framework of nationalism is alone worth the price of the book. Other discussions, such as the bottom-up nature of Chinese nationalism that seeps beyond the bounds of state control are also very insightful.

However, the comparative dimension also reveals some shortcomings in the analysis. For example, Gries draws from a number of Chinese sources, but focuses predominantly on a handful of polemics written between 1995 and 1997, when Sino-U.S. relations were at one of their lowest points since 1972. The reader who places reliance on these sources will be unable to evaluate whether the nationalism expressed within them is representative over time. Even more to the point, it is impossible to discern how China's current victim-oriented nationalism evolved from the victor-oriented nationalism that existed under Mao.

Another limitation of the analysis exists along a spatial dimension. Specifically, it does not adequately address the question, is nationalism the same all over China? On the one hand, as Gries amply illustrates, mass protests against the May 1999 U.S. bombing of the Chinese embassy in Belgrade took place throughout the country. However, Gries treats these as nationwide expressions of outrage, as if they were more or less uniform. But the specific actions of the protesters were, in fact, quite varied: protests were limited in Beijing and Guangzhou, they turned violent and destructive in Chengdu and Beijing, and they remained comparatively low-key and orderly in Shanghai. What accounts for such variation? Are there other variables such as self-perceptions of economic well-being that can intensify or moderate expressions of Chinese nationalism? Gries does not explore this.

These quibbles notwithstanding, Gries's book should be required reading on the subject of contemporary Chinese nationalism.

ANDREW C. MERTHA
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**Corruption and Market in Contemporary China** *by Yan Sun. Ithaca, NY, Cornell University Press, 2004. 272 pp. Cloth, $49.95; paper, $21.00.*

Yan Sun's provocative new book makes two important contributions to the field of China studies and, more generally, to comparative politics. First, it reinvigorates the debate about the link between economic reform and corruption. Second, it provides one of the most thoughtful and well-informed analyses of various types of corruption and their regional prevalence in reform-era China.

A debate rages among Sinologists on the consequences of decentralization in China. Some have painted a mostly rosy picture, stressing that the devolution of political and economic control away from the center has presented incentives for local governments to pursue economic growth. Regardless of whether this phenomenon is called "local state corporatism" or "market-preserving federalism," it is seen as desirable because of its ability to translate increased local autonomy into higher economic growth. Yet, economic growth may well have come at the expense of increased corruption. As Sun argues, the rise of corruption in reform-era China is a direct consequence of economic reform. Although prior to the abolition of the dual-price system in 1992, corruption may have had a beneficial effect on development, Sun shows that post-1992 corruption has been a source of inefficiency that has only made bribe takers and bribe givers richer. Also, post-1992, a much greater number of officials have engaged in what Sun calls "non-transaction" corruption—or simply, theft from the public coffers. Because non-transaction corruption usually involves larger amounts of money than outright bribery, its rise is particularly nefarious. As Sun makes clear, corruption is the price of economic reform and growth in China. Yet, how long the central government will be able to keep China on the reform track if corruption keeps expanding is an open question. The trends noted by Sun, therefore, deserve to be watched closely.

Sun's study, which argues that decentralization and weak central controls are responsible for the rise of corruption in China, is bound to face opposition from scholars who believe that the center still has at its disposal ample mechanisms through which it can control corrupt local officials. Sun argues that cadre recruitment, appointment, promotion, and monitoring mechanisms are often weak and co-opted by the localities. However, a group of scholars has focused on the role of the cadre evaluation system as a way of ensuring local compliance with central mandates. Thus, a more detailed discussion as to why the cadre evaluation system is ineffective in controlling corruption would be welcome. Still, Sun's study brings yet another powerful argument to those who see the central state as unable to control the excesses of local officials.

Sun's second major contribution lies in the innovative use of an impressive array of anti-corruption digests and other casebooks to make sense of the types of corruption that plague reform-era China. In addition to the distinction between transaction-type and non-transaction-type corruption, she also analyzes the all-important regional dimension of corruption. Although one is left wishing

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for a more complete "map" of the regional differences in the occurrence of one or another type of corrupt behavior, Sun's study sets an important benchmark for the future study of corruption. An investigation of the inter- and intra-provincial variation in the scope and type of corruption will occupy the attention of subsequent scholars of corruption. Similarly, a discussion of the regional variation in the ability (or inability) of the center to control local officials would have been very illuminating. This, too, is a task that can be taken up by other corruption scholars.

Sun's study will be of use not only to students of Chinese politics, but also to those in the field of comparative politics who are interested in understanding the links between economic reform and corruption.

MARTIN DIMITROV
*Dartmouth College*

**Japan's Financial Crisis: Institutional Rigidity and Reluctant Change**
*by Jennifer Amyx. Princeton, NJ, Princeton University Press, 2004. 408 pp. $39.50.*

All countries suffer financial crises, but it usually takes only a few years at most before the political will to tackle them is mustered. In Japan, it has now been fifteen years since the stock market crash, yet the ensuing banking crisis still festers. In this richly detailed and closely argued study, Jennifer Amyx asks why Japan's response has been so slow and ineffective. The failure is all the more remarkable in light of the extraordinary success the state had earlier had in achieving high growth and social equity. Amyx uses policy network analysis to argue that the same institutional features of the financial regulatory system that were responsible for its success have been responsible for the later failure to adapt.

The postwar financial system was bank-centered, segmented, and protected. Regulation was informal and opaque, characterized by very close but not always equal relationships between the Ministry of Finance (MOF), the banks, and the ruling Liberal Democratic Party (LDP). Under the "convoy" system, the MOF gave an implicit guarantee that it would never allow any bank to fail, although it would periodically engineer takeovers of weaker banks to mitigate moral hazard problems. In the early years of capital scarcity and high growth, Amyx suggests, these features were efficacious in lowering monitoring costs and providing stability. But by the1980s, capital was plentiful, borrowers were able to tap global markets, and the growth of the government bond market and the internationalization of the yen had both necessitated partial deregulation. Banks aggressively made new loans, but neither they nor the regulators had much experience of risk management. Moreover, the increasing complexity of finance eroded the effectiveness of informal monitoring. The result was an asset-price bubble that inevitably burst in 1990.

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At this point, says Amyx, correct policy would have been to abandon the convoy system and institute a more formal and transparent system of oversight. But the MOF, reluctant to admit failure, was internally divided over the wisdom of reform. Many officials did not want to damage ties to the banks, on whom they increasingly relied for extravagant entertainment, information via the banks' *mofu-tan* staff, and lucrative post-retirement jobs (*amakudari*). The LDP was slow to act because its members were largely unaware of the size of the debt problem: their contacts at the MOF typically worked in departments concerned with the more politically attractive area of fiscal policy rather than oversight. The LDP's electoral defeat in 1993 finally politicized the crisis, fraying the ties between the three main groups. By 1998, pressured by opposition parties and LDP backbenchers, Prime Minister Ryutaro Hashimoto undertook "far-reaching institutional change" (p. 198) toward a regulatory system characterized by greater transparency, formal rules, and arms-length relations between regulators and industry.

The broad contours of the story may be familiar, having been aired previously in both the academic literature and the popular press. The main strengths of the book, however, are the level of complexity to which the argument unfolds and the comprehensiveness of the supporting evidence. With clarity and precision, Amyx details the exact nature of policy networks often passed over with vague abstractions such as 'cozy ties.' She effectively uses interviews with MOF decision makers but always maintains objectivity, at one point condemning them for "supervisory incompetence"(p. 161). The argument that close MOF–bank networks slowed reform in the 1990s is somewhat more convincing than the claim that they assisted growth in the 1960s, but overall, it is hard to fault her conclusions. In summary, this is an important contribution to our understanding of regulatory reform, and essential reading for students of Japan's financial markets.

HENRY LAURENCE
*Bowdoin College*

**Transforming Korean Politics: Democracy, Reform, and Culture** *by Young Whan Kihl. Armonk, NY, M.E. Sharpe, Inc., 2004. 404 pp. Cloth, $79.95; paper, $29.95.*

Since its transition to democracy in 1987, South Korea (Korea hereafter) has made steady progress toward democratization. In 1987, it held the first direct presidential election since 1971. In 1992, it elected the first civilian president since 1960, and in 1997, it made the first peaceful transfer of power from ruling to opposition party in its history. The most recent election elevated former activists to the status of power elites. Simultaneously, Korea has endured rough bumps on its road to democratic consolidation, including the corruption of its presidents' families, the 1997 economic crisis, and the 2004 impeachment of the president. These obstacles notwithstanding, no one can deny that Korea has

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successfully achieved both economic modernization and political democratization over a relatively short period of time.

Written by a respected senior scholar of Korean politics, *Transforming Korean Politics* seeks to examine Korea's political changes since the democratic transition of 1987. In so doing, it focuses on three interrelated phenomena—modernization, democratization, and globalization—and their respective impacts on socioeconomic and political changes in contemporary Korea. Although modernization was the driving force for the autocratic regimes until the 1970s, the book shows that democratization came to the forefront beginning in the 1980s, and globalization overtook the country by 1997 (p. 4). The book then explains in detail how ideas of modernization, democratization, and globalization shaped the four administrations that have governed the country since 1987 (Roh Tae-Woo, 1988–1993; Kim Young-Sam, 1993–1998; Kim Dae-Jung, 1998–2003; and Roh Moo-Hyun, 2003–present).

For instance, chapter 4 details reform measures undertaken by the Kim Young-Sam administration. These included real name account reform, purification of the military, financial liberalization and globalization, trials of former dictators, and the rule of law. The chapter likewise assesses the contributions and limitations of these reforms, and explains the reasons they came into being. Chapters 6 and 7 discuss major policies of the Kim Dae-Jung administration, such as "third way politics" and the "sunshine policy," and their respective impacts on Korea's domestic and foreign policies. The epilogue examines the National Assembly's recent impeachment of President Roh Moo-Hyun on the eve of the April 2004 general election and discusses the future of Korean politics. In the end, the author remains optimistic about Korea's new democracy. "Despite all these political uncertainties and turmoil," he observes, ". . . democracy will be able to weather this latest storm [impeachment] and potentially emerge even stronger as South Korea continues to plough ahead" (p. 350).

*Transforming Korean Politics* is highly informative and offers a comprehensive look at the major events in Korean politics over the last two decades. To my knowledge, there is no other book that deals with how modernization, democratization, and globalization have shaped Korean politics. Samuel Kim's edited volume on *Korea's Globalization*, for instance, deals with globalization (Samuel Kim, ed., *Korea's Globalization*, Cambridge: Cambridge University Press, 2000), while Sunhyuk Kim's *The Politics of Democratization in South Korea* (Pittsburgh: University of Pittsburgh Press, 2000) addresses Korean democratization processes. (Of course, there exist many books that deal with the South Korean economy.) Because of its unique three-pronged approach, this book will be valuable to students, and even general readers, who wish to understand Korea's socioeconomic and political changes and how they have intertwined over the last two decades.

Despite its comprehensiveness, I wish the book had addressed the impact of nationalism on Korean politics. One could argue that nationalism was behind Korea's drives for modernization and even globalization, in order to enhance

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Korea's competitiveness in a rapidly globalizing world. Neither democratization nor globalization has supplanted the power of nationalism in Korea; on the contrary, the latter continues to shape the country's policy and politics. The Roh administration's current promotion of regionalism as a reaction to U.S.-led globalization and unilateralism in the Northeast Asian region attests to nationalism's prevailing power in Korean politics. Nonetheless, I have little doubt that *Transforming Korean Politics* will stand as a crucial contribution to the study of the continuously changing Korean politics.

GI-WOOK SHIN
*Stanford University*

**Race in Another America: The Significance of Skin Color in Brazil** *by Edward E. Telles. Princeton, NJ, Princeton University Press, 2004. 336 pp. $35.00.*

Many books have been written about race relations in Brazil. They generate distinct impressions about the country. One generation of scholarship (which proposed the "racial democracy" thesis) celebrated racial mixture, concluded that society was inclusive, and forecast that economic and social progress would erode the legacy of slavery. A second generation (which originated with the São Paulo school of sociology) highlighted racial inequalities and pervasive discrimination. These two perspectives are usually seen as contradictory. Until Edward E. Telles's fine book, few thinkers had considered the possibility that *both* might actually be true.

Herein lies the paradox of Brazilian race relations. There is considerably more mixing and less residential segregation than in the United States and South Africa. About one-quarter of citizens marry someone of a different color. Yet the country suffers from severe racial inequalities: blacks are virtually absent from the middle and upper classes and constitute a disproportionate percentage of the poor. They make half the salaries of whites, have less intergenerational mobility, and are more likely to be unemployed.

Simultaneous exploration of both horizontal and vertical dimensions is the central contribution of this study. Telles combines previously disparate research agendas—one focused on "sociability and social relations, mostly among class equals" (p. 8) and the other on vertical relations of inequality. He therefore unravels the puzzle of a country described by its residents as the most miscegenated, and the most unequal, on earth.

Telles sketches the history of racial discourse from nineteenth-century scientific racism to the official embrace of affirmative action in the early 2000s. He analyzes race relations along both horizontal and vertical axes, painting a nuanced picture of a complex reality. Individual chapters explore the three ways of classifying by race in Brazil (the plurality of terms in popular discourse, the five categories of the census, and the dichotomous system proposed by the

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black movement); inequalities and development; discrimination; intermarriage; and residential segregation. Two concluding chapters synthesize the horizontal and vertical perspectives and analyze the merits of affirmative action, respectively. Throughout, comparisons with the United States and South Africa facilitate the argument.

The book effectively debunks several myths. Against earlier speculation of a "mulatto escape hatch," he shows that there is less income disparity between light- and dark-skinned blacks in Brazil than in the United States. Contrary to arguments on the infinite number and fluidity of color categories, he shows that most Brazilians tend to use a small number of terms in a relatively consistent manner. Finally, he shows decisively that not just class but also racial discrimination shapes the life chances of blacks. The ultimate test is multi-racial families: data on the educational progress of siblings of different colors reveals that whites are more likely than are their darker-skinned brothers and sisters to be in the age-appropriate grade (pp. 148–150).

Telles skillfully diagnoses the dimensions and mechanisms of race discrimination and, in a lucid final chapter, identifies those policy solutions the government should contemplate to break with these nefarious patterns. The book is essential reading for scholars of race relations, students of Latin America, and citizens concerned about social justice.

MALA HTUN
*New School University*

**Votes and Violence: Electoral Competition and Ethnic Riots in India**
*by Steven I. Wilkinson. New York, Cambridge University Press, 2004. 310 pp. $75.00.*

Many democratic theorists regard democracy as a means of resolving social conflicts. Others view democratic competition as exacerbating conflicts. Steven Wilkinson's ambitious new volume makes an important contribution by precisely specifying the conditions under which democratic competition will transform ethnic differences into violent conflict and those under which it will peacefully accommodate them. It is arguably the best book written on the causes of Hindu–Muslim violence in India. Its broader contribution to the literature of ethnic conflict makes it essential reading for anyone interested in this issue.

Wilkinson's approach synthesizes constructivist and rational actor perspectives. He begins with the constructivist insight that individuals have many identities. Central to the political process are the efforts of politicians to maximize the salience of identities that are most politically advantageous. Promoting violent conflict among ethnic groups is one of the most efficacious manners of highlighting ethnic identities.

The author advances earlier theories regarding the instrumental use of ethnic conflict for political advantage by developing an electoral incentives theory

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of ethnic conflict. The electoral incentives approach requires two levels of analysis: the electoral constituency and the level of the state with primary authority over the police and other governmental agents that might intervene to prevent violence. Analysis at the constituency level explains when and where polarizing ethnic events will occur, whereas analysis at the level of state authority over the police explains when and where governments will take action to prevent ethnic violence.

At each level, Wilkinson's analytical framework explains outcomes by positing that politicians will rationally respond to the incentives created by the structure of political competition. Specifically, he contends that fractionalized party systems will discourage politicians from instigating ethnic violence, inasmuch as politicians will have greater incentive to appeal to minority votes because these are more likely to be pivotal in determining electoral outcomes. Even if ruling parties do not directly rely on minorities, they will avoid alienating them in order to maximize their own latitude for future coalitional strategies. In consolidated party systems—for instance, those with just two parties—where one party has an affinity for antiminority issues, that party will attempt to instigate ethnic violence when competition is even. When the antiminority party is in power, polarizing events will develop into violence. When the other party is in power, it will be motivated to intervene to curtail acts of violence.

Wilkinson applies an impressive range of analytical methodologies to test his theory. Employing a dataset of incidents of ethnic violence from 1900 to 1995—data for the years 1950–1995 were jointly compiled with Ashutosh Varshney—Wilkinson conducts the most systematic testing of theories of religious conflict in India ever. The study provides compelling evidence that electoral incentives theory better explains the incidence of Hindu–Muslim riots and consequent deaths than do other plausible theories. In addition, process tracing in a range of case studies demonstrates the superiority of electoral incentives theory over theories based on contact between ethnic groups, lack of state capacity, and consociational democracy. It also provides important insights about the evolution of India's minority policies and historical changes in India's police system.

Although India is the primary focus of analysis, the volume insightfully applies electoral incentives theory to cases in western Europe, eastern Europe, Africa, Southeast Asia and the United States. Wilkinson's illuminating application of electoral incentives theory to these cases cogently demonstrates its contributions to the comparative study of ethnic conflict.

JOHN ECHEVERRI-GENT
*University of Virginia*

**Conspiracy to Murder: The Rwanda Genocide and the International Community** *by Linda Melvern. New York, Verso, 2004. 256 pp. $25.00.*

Linda Melvern's new book is a vivid, descriptive account of the Rwandan genocide that focuses on the national elites who planned and instigated the

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violence. Melvern also writes moving passages about the international peacekeepers who were in Rwanda before and during the genocide, but whose efforts to stem the killing were in vain. Overall, the book's depiction of the genocide does not depart from the now-standard portrayal of that event. Melvern emphasizes the responsibility of military and political hard-liners who were close to former Rwandan President Juvénal Habyarimana. In describing the plans for and perpetration of the genocide, the author focuses on Rwanda's civil defense program, on the arming and training of militias, and on the diffusion of racist propaganda. Melvern also discusses how United Nations officials, Britain, and the United States failed to heed early warnings of mass violence and refused to intervene to halt the genocide once it began. France is taken to task for providing support to the regime that committed the genocide. That broad story of the Rwandan genocide is by now well known.

Where the book breaks new ground is in presenting fresh details, anecdotes, and evidence about the fateful months just prior to and during the genocide. Melvern, an investigative journalist and Honorary Fellow at the University of Wales, Aberystwyth, accomplishes this primarily through the collection of documents previously outside the public domain. These include directives and letters written by military officers before the genocide as well as hitherto-confidential witness statements that have emerged from the ongoing criminal prosecutions at the International Criminal Tribunal for Rwanda (ICTR). Important among these is the previously secret confession given to the court by Jean Kambanda, who was Rwanda's prime minister during the genocide. The author also relies on several other witness testimonies, in particular those from the ongoing "Military One" trial that has put Théoneste Bagosora, the alleged architect of the genocide, in the dock.

If Melvern's sources give rise to the book's main contribution, they are also cause for some frustration. Throughout the book, the author cites witness statements made to ICTR investigators and prosecutors as factual evidence. However, the author does not evaluate (at least in these pages) the quality of the information, nor does she provide readers with enough information to weigh the evidence independently. Melvern also does not say how she obtained the previously confidential material. Can the witness statements be believed? Are witnesses reporting hearsay? Are the cited documents complete and accurate? These issues are central for any analysis of criminal events, but especially so in the Rwandan context, where questions about witness credibility are common. Melvern could have preempted doubts and concerns about her sources by paying more attention to describing and evaluating them.

Therein lays a more general concern. Melvern's writing style is descriptive and prosecutorial. As a result, not enough time is given to developing arguments or to analyzing ambiguity and contradictions in the author's sources. The most important lacuna concerns Melvern's claim about a "genocide conspiracy," to which she makes reference in the book's title and in various pages. Melvern suggests early in the book that plans for genocide began in late 1990 (p. 19).

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These points need to be developed. What does the author mean by a "genocide conspiracy"? What exactly did the "conspiracy" entail? Did the nature of the "genocide conspiracy" change over time? Who was in the group that planned the conspiracy? How does the author handle evidence that would appear contrary to the claim that a genocide plan began in late 1990? These questions need not all be answered, but they are critical, and the book would have benefited, here and elsewhere, from less narration and from more analysis of the impressive evidence that the author has collected.

SCOTT STRAUS
*University of Wisconsin–Madison*

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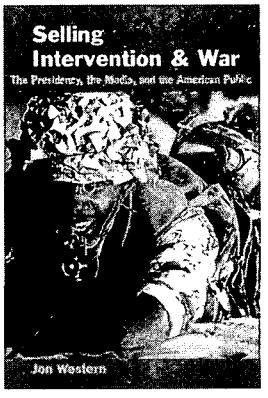


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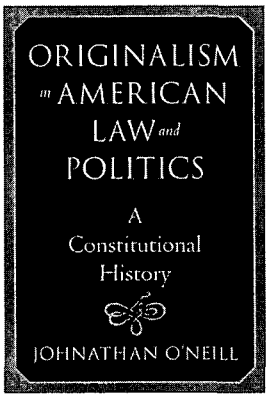


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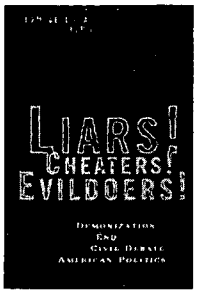


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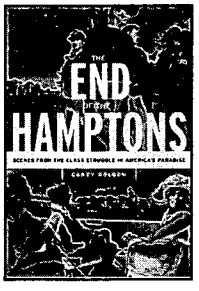


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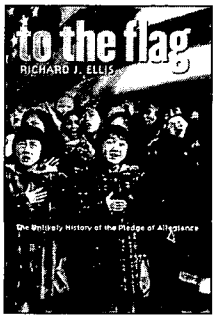


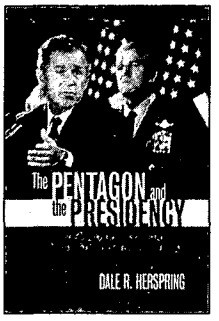


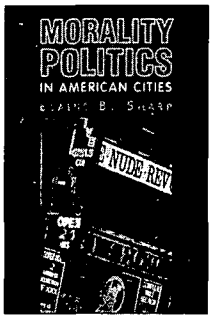


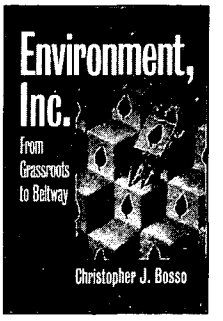


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